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Colombia

A Laboratory of War: Repression and Violence in Arauca

1. INTRODUCTION

In November 2002, the townspeople of Saravena, in Arauca Department, were preparing to celebrate their traditional fiesta. To enable them to enjoy the festivities the military agreed to lift some of the restrictions on movement imposed on the inhabitants of Saravena and other municipalities in Arauca by the government of President Uribe in September 2002. However, in the evening of 12 November some 700 soldiers surrounded the town to enable the army, police and members of the Offices of the Attorney General¹ and the Procurator General² to raid homes, workplaces and shops. By the end of the night more than 2,000 people had been rounded up at gunpoint and taken to Saravena's stadium where they were photographed, videotaped, questioned, their background checked, and their arms marked with indelible ink.

This mass detention of civilians, known as Operation Heroic (Operación Heroica), and purportedly designed to round up alleged members of the guerrilla, was the largest operation of this kind carried out by the Colombian security forces in recent years. Most of Saravena's human rights community, as well as many known trade unionists and other social leaders were among the 2,000 people detained that night. However, only 85 were officially arrested. Of these, 35 were subsequently released for lack of evidence. Of the remaining 50, around 40 were trade unionists. At the time of writing this report, as few as 30 of the 2,000 townspeople rounded up that night are still believed to be under investigation.

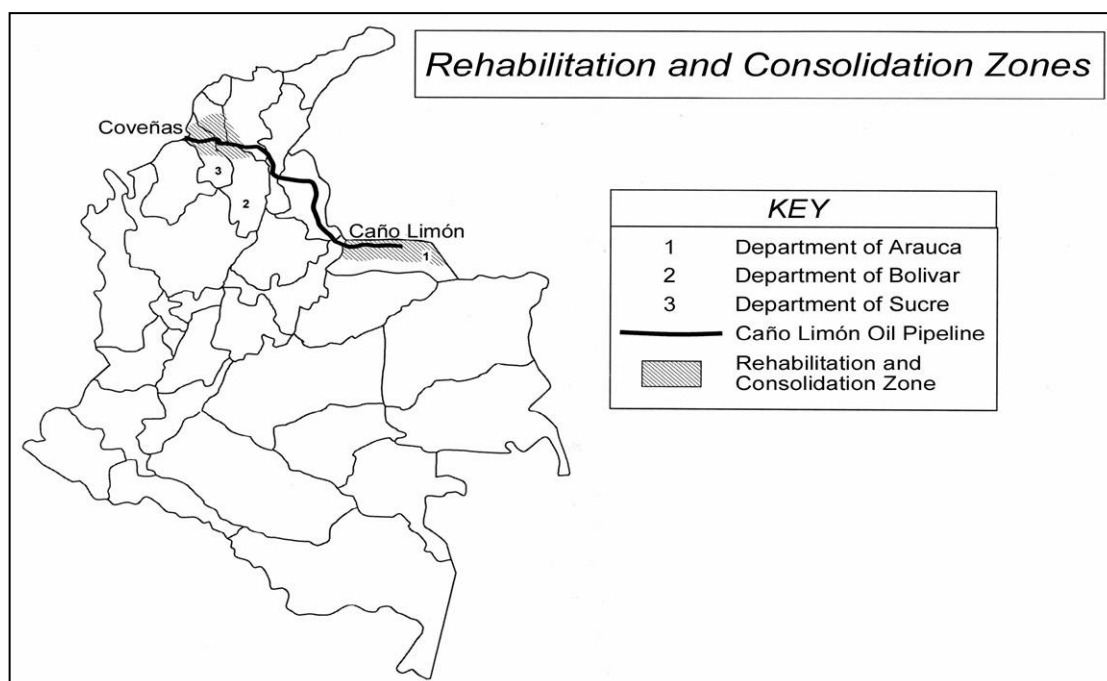
The reality of war in Colombia is stark. But the department of Arauca has been particularly hard hit by the armed conflict, which has ravaged the country for four decades. And, as is tragically the norm in modern conflicts the world over, it is the civilian population that invariably bears the brunt of the repression and violence inflicted on it by the warring parties – the security forces and their paramilitary allies, and the armed opposition groups. This is the case in the oil-rich, north-eastern department of Arauca where economic interests, especially those associated with the control of Arauca's substantial oil resources – and the guerrillas' attempt to sabotage them and gain capital from extortion of the oil industry – have fuelled the conflict there for more than 20 years. The number of civilians killed in the department makes for chilling reading. Although the figures differ according to which source is consulted, estimates suggest that in the municipality of

¹ The Office of the Attorney General (*Fiscalía General de la Nación*) was set up by the 1991 Constitution to investigate and prosecute all crimes committed in Colombia, including human rights violations and abuses.

² The role of the Office of the Procurator General (*Procuraduría General de la Nación*) is to carry out disciplinary investigations into allegations of misconduct, including human rights violations, by public officials, such as members of the security forces.

Tame alone, which has a population of only some 55,000,³ at least 175 people were murdered in 2003, compared to 144 in 2002 and 86 in 2001.

Rather than shielding civilians from hostilities, recent government measures, which form part of its “democratic security” strategy, have exacerbated the human rights crisis in Arauca.⁴ The creation of a network of civilian informants, some of them paid, and an army of “peasant soldiers” required to collaborate with the security forces has put civilians in danger of attacks by the guerrilla, while the approval in Congress of a law that grants judicial police powers to the armed forces is likely to facilitate the already existing practice of launching often spurious criminal investigations against human rights defenders and other civilians. These tactics are designed to tarnish defenders and social activists by accusing them of guerrilla activity, exposing them to heightened risk of violent attack by paramilitaries, regardless of whether or not investigations uncover evidence of criminal wrong-doing. With the military “policing” themselves, very few, if any, are likely to be investigated for human rights violations.



³ Population figure is an estimate from the *Departamento Administrativo Nacional de Estadísticas* (DANE), National Administrative Department of Statistics.

⁴ See Amnesty International, *Security at what Cost? The Government's Failure to Confront the Human Rights Crisis*, December 2002, AMR23/132/2002.

The government's use of emergency legislation has also proved a cause for concern. Colombia has spent most of the last 50 years under various states of emergency through which constitutional guarantees have been side-stepped, governments have ruled by executive decree, and the military have been granted broad powers to deal with public order issues. This has led to widespread, flagrant human rights violations. President Uribe declared a State of Internal Commotion on 11 August 2002 only three days after taking office, and on 9 September issued Decree 2002 – by which the government was able to establish two security areas, Rehabilitation and Consolidation Zones (RCZs) on 21 September, including one covering three municipalities in Arauca: Arauca, Saravena and Arauquita. On 29 April 2003 the Constitutional Court ruled against the renewal of the state of emergency and all related decrees, including Decree 2002. In practice, however, the military continues to employ many of the measures thrown out by the Court. Although the RCZs were set up to reduce violence, they were marked by an increase in insecurity and a rise in violations of human rights and breaches of International Humanitarian Law.⁵

Under the government of President Álvaro Uribe, human rights and social activists continue to be killed, “disappeared”, arbitrarily detained, threatened and harassed. Moreover, while expressing an interest in maintaining dialogue with NGOs, in practice government, security force and other state officials are frequently and increasingly treating human rights defenders and social activists as subversives, labelling them as such in public statements and targeting them during intelligence and counter-insurgency operations. This has exposed many of them, including in Arauca, to threats and attacks by army-backed paramilitaries. On 8 September 2003, President Uribe attacked human rights non-governmental organizations (NGOs) describing some of them (without specifying which ones) as “political manoeuvrers ultimately in the service of terrorism who cowardly hide behind the human rights banner”.⁶

The north-eastern department of Arauca is located near the eastern range of the Andes mountains. It has some 265,000 inhabitants⁷ and a land area of 23,000 square kilometres. It consists of seven municipalities: Arauca, Arauquita, and Saravena, all in the north of the department, and Cravo Norte, Fortul, Puerto Rondón and Tame in the south. Arauca Department, which borders Venezuela, consists of three geographical subregions – the Andes mountain range, the *pedemonte* (foothills), and the *sabana* (plane). The department's oil resources are mostly located on the edge of the *pedemonte* and the *sabana*.

Arauca has a small indigenous population consisting of, among others, U'was and Guahibos. The region was first colonized by immigrants in the 1950s when families arrived to take refuge from “*la Violencia*” in other parts of Colombia⁸. The second significant wave of colonization occurred after the discovery of oil in the early 1980s when families moved to the department to look for work and improved living conditions.

⁵ International Humanitarian Law, which includes the Geneva Conventions, is the law of war, and seeks to regulate methods of warfare (such as the treatment of combatants) and to protect civilians not participating in the conflict.

⁶ *El Tiempo*, 9 September 2003.

⁷ Population figure is an estimate from the *Departamento Administrativo Nacional de Estadísticas* (DANE), National Administrative Department of Statistics.

⁸ *La Violencia* was a virtual civil war which erupted out of long-standing conflict between the Liberal and Conservative parties. It claimed the lives of an estimated 200,000 people between 1948 and 1957.

Although most coca cultivation is concentrated in the south of the country, Arauca has recently seen an increase in illicit crop plantations. According to the Office of the Human Rights Ombudsman (*Defensoría del Pueblo*), and quoting army sources, coca cultivation increased from 978 to 12,000 hectares in the 2000-2001 period, while according to the police the increase has been much more modest, from 978 hectares in 2000 to 2,749 in 2001.⁹

Killing for Decades: Armed Opposition Groups and Paramilitaries

Guerrilla groups emerged in the 1950s, during *La Violencia*. During this period, armed groups linked to the Liberal and Communist Parties were driven into remote and inaccessible parts of the country. These armed groups were the nucleus of the major armed opposition movement over the past 50 years which was consolidated in 1966 as the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, which emerged from the peasant groups set up to defend pro-liberal communities. It is the largest guerrilla group with some 20,000 combatants. The other main guerrilla group still in existence is the *Ejército de Liberación Nacional* (ELN), National Liberation Army, with some 4,000 combatants.

Due to the fragility of state control, the guerrillas created extensive strongholds in many areas of the country where they effectively determined local government policies and exercised significant control over the local population. These guerrilla organizations frequently attacked the rural estates of wealthy landowners: extortion and kidnapping became common practices in rural areas. Since the 1990s, the FARC has sought to significantly increase attacks in urban areas, and civilians have increasingly borne the brunt of guerrilla attacks in these areas.

Army-backed paramilitaries – who have between 10,000 and 20,000 fighters, depending on which source is quoted – have their origin in legally constituted civilian “self-defence” groups which the army created to act as auxiliaries during counter-insurgency operations. Although their legal basis was removed in 1989 little effort has been made to disband them. Their collaboration with the security forces has been well documented by Amnesty International. Reports from the United Nations (UN) and the Organization of American States (OAS) have also documented strong links, while criminal and disciplinary investigations continue to implicate high-ranking security force officers in human rights violations committed by paramilitary units. Over the last few decades, paramilitaries have been held responsible for most killings and “disappearances” of civilians.

As the armed forces have faced mounting international condemnation for human rights violations they have resorted increasingly to the use of paramilitary auxiliaries to implement the “dirty war” tactics which have been employed by the military in pursuit of their counter-insurgency strategy. International and national attention in recent years has increasingly focused on the need to dismantle mechanisms of impunity which have guaranteed that members of the armed forces can, in all but exceptional cases, escape investigation or appropriate sanction. To circumvent these pressures, those responsible for designing and implementing the “dirty war” have been able to continue their strategy without fear of prosecution by devolving tasks to paramilitary forces.

The policies of the present government are reversing limited attempts by previous administrations to dismantle mechanisms of impunity ensuring that members of the security forces and their paramilitary allies can continue to perpetrate human rights violations with little possibility of being prosecuted. The introduction of these policies have coincided with the declaration of a self-declared “truce” by the main paramilitary umbrella group, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia, on 1 December 2002.

Because of its strategic economic, military and geographical importance (principally due to its oil wealth and the fact it lies on the border with Venezuela), control over Arauca has been seen as vital by all the armed actors and has become highly militarized as a result. In particular, the government has over the last 18 months used the department as a testing ground for many of its

⁹ *Defensoría del Pueblo, Proyecto Apoyo Defensorial en las Zonas de Rehabilitación y Consolidación: Primer Informe de Actividades*, March 2003, Bogotá.

key security policies, especially in terms of its RCZs. The fact that these are no longer legally in operation has meant little in terms of the continued and indiscriminate targeting by the security forces of the civilian population, especially human rights defenders and social activists. Meanwhile, over the last few years paramilitary groups have strengthened their hold over the department of Arauca in an apparent attempt to defend the interests of powerful domestic and international economic actors and to act in conjunction with the Colombian security forces in order to pursue these aims. The guerrilla groups, primarily the FARC, have responded to the government's security measures and to the strengthened presence of paramilitarism in Arauca by accelerating their drive to intimidate and attack sectors of the civilian population, especially local state officials.

The international dimension of the conflict in Arauca cannot be ignored. Because of the interest of US and, to a lesser extent, other foreign oil companies in the department, the US government has paid particular interest to and poured significant military resources, including "military advisers", into the region. US government aid helps fund the Colombian army brigade which operates in Arauca Department, the XVIII Brigade. US oil company Occidental Petroleum has also reportedly funded the Brigade, although it has not confirmed whether it is still doing so.¹⁰ The brigade has been accused of human rights violations and collusion with paramilitary forces. This has invariably dragged the US government into a number of human rights controversies, including the 1998 Santo Domingo incident in which 17 civilians, including six children, were killed after a US-funded helicopter piloted by the Colombian air force bombed the village of Santo Domingo using US munitions.

The Santo Domingo Killings

There is credible evidence that in 1998 a Colombian Air Force crew flying a US-funded combat helicopter committed a serious violation of International Humanitarian Law in the village of Santo Domingo, Tame Municipality, by dropping a cluster bomb which killed several civilians. The helicopter was assigned to Combat Air Command No. 1, for almost a decade a recipient of US security assistance. The military reacted to evidence of an abuse by reportedly misleading civilian investigators. The air force commander, General Héctor Velasco, criticized human rights groups demanding justice in the Santo Domingo case, publicly equating them with guerrillas and drug traffickers.

The incident occurred on 13 December 1998 after over a day of combat around the village between the military and the FARC's Front 10. At about 9:45 a.m., an explosion in Santo Domingo killed six children. Eleven adults were also killed. Twenty-eight eyewitnesses claimed that the explosion was the result of a rocket fired from a Colombian military helicopter. They said that the military dropped at least two other explosives in Santo Domingo.

Although the air force closed its preliminary investigation, the Attorney General's Human Rights Unit collected forensic evidence that was reviewed by Colombian experts and the United States Federal Bureau of Investigation (FBI). Both agreed that the remains of an American-made rocket were present in the samples. As a result, the Unit recommended that the Colombian Air Force reopen its investigation. However, the air force declared that ruling null. The case was finally transferred to the civilian justice system at the beginning of 2003 after the Constitutional Court ruled in October 2002 that the killing constituted a violation of human rights and a breach of International Humanitarian Law. In January 2003 the US decertified¹¹ the Palanquero air force base, where the Combat Air Command No. 1 is based, due to a lack of

¹⁰ In 1996, the Cravo Norte Association, which operates the Caño Limón oil pipeline and is owned by the Colombian state oil company Ecopetrol, Occidental Petroleum and Spain's Repsol-YPF, signed a collaboration agreement which committed it to provide support to XVIII Brigade units operating along the pipeline.

¹¹ Under US law, military units funded by the United States must be "certified" that they have met a number of human rights criteria or risk losing that funding.

“transparency” in the investigation into the incident. On 25 August General Velasco stepped down as chief of the air force. Nobody has yet been convicted in the courts for the killings.

According to papers filed in the case of Luis Alberto Galvis Mujica versus Occidental Petroleum and Airscan, under the Alien Tort Claims Act¹², the air force received the coordinates for the bombing from Airscan Inc, a US firm which until recently had been working as a security contractor for Occidental Petroleum.¹³ According to evidence presented by the plaintiff, the bombing was planned by the air force and Occidental Petroleum in the company’s complex in Caño Limón, and the firm and Airscan provided support and direction for the attack.

It is also alleged that Airscan provided aerial surveillance for this mission during the bombing, helped the Colombian Air force to identify the target for bombing and for military troop disembarkment during the mission. They allegedly did so through the efforts of three employees who were flying, at the time of the attack, a Skymaster airplane supplied by Occidental Petroleum. Accompanying the three Airscan pilots was said to be a Colombian military officer who at the time was serving as a Colombian Air Force liaison officer to Occidental Petroleum. On 25 January 2002, Angel Trifilo Chaparro, a witness to the incident, was killed in Tame, reportedly by paramilitaries.

The information included in this report was collected by Amnesty International delegates who visited Arauca in September 2002 and March 2003. During their visits they held interviews with a representative cross section of Arauca’s civil, political and military community, as well as the Catholic Church. To protect certain witnesses their names have been withheld. Amnesty International also asked Occidental Petroleum to answer some of the claims outlined in this report, but they did not respond to the specific questions put to them.

2. THE INTERNATIONAL POLITICS OF OIL

The US oil company Occidental Petroleum discovered the Caño Limón oil deposit in 1983. It began pumping oil in 1985.¹⁴ The oil is pumped to the Caribbean coast via the 773 km-long Caño Limón-Coveñas pipeline, which has been repeatedly bombed by guerrilla groups in Arauca (where it runs through the northern municipalities of Arauca, Arauquita and Saravena).¹⁵ The deposit’s impact on Colombia has been critical. It turned the country from a net importer of crude oil into an oil exporter. The oilfield has produced 910 million barrels from the estimated 1.3 billion barrel reserve. It is in decline but, according to Occidental Petroleum, still accounts for almost 30% of Colombia’s total oil production. Unless new reserves are discovered or exploited, Colombia will again become a net importer of oil later this year.¹⁶

Occidental Petroleum operates under an “association contract” with the state oil company Ecopetrol, which owns 50% of the pipeline. The other 50% is owned by Occidental Petroleum and

¹² The Act provides jurisdiction in US courts over claims brought against human rights violators found within the borders of the United States but who committed the alleged offence outside the United States.

¹³ Occidental Petroleum had transferred the contract with Airscan to the Colombian Air Force paid for by the Colombian state oil company Ecopetrol.

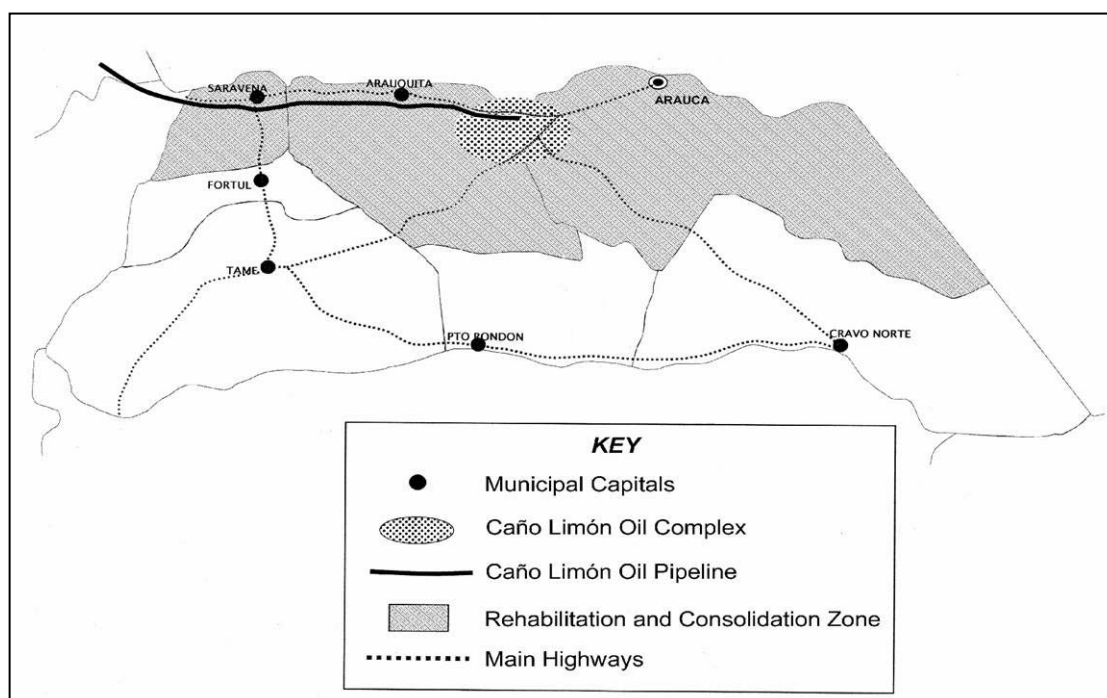
¹⁴ The Caño Limón oilfield is operated by the Cravo Norte Association (CNA) which is owned by Ecopetrol (with a 50% share), Occidental Petroleumcol (25%), and Occidental Petroleum Andina (25%). Occidental Petroleumcol is owned by Occidental Petroleum (75%) and Repsol-YPF (25%). Occidental Petroleum Andina was Shell oil’s share in the CNA until it was sold to Occidental Petroleum.

¹⁵ The pipeline was reportedly bombed 152 times in 2000, 178 times in 2001 and 50 times in 2002. See *Protecting the Pipeline: the US Military Mission Expands*, WOLA, May 2003.

¹⁶ Occidental Petroleum website: www.oogc.com

Spain's Repsol-YPF, which has a small share in the venture. Repsol-YPF also has substantial interests in the department, such as the Capachos I oilfield in Tame Municipality.

Occidental Petroleum is the second largest oil producer in Colombia. It is also important to note that with insecurity in the Middle East oil markets, and perceived threats to Venezuelan oil exports to the United States, the US administration is keen to stabilize the Colombian oil sector. Changes to the association contracts, which increase the profit margin of participating companies, have also spurred on the interest in exploiting Colombian oil resources.



Control over Arauca's oil resources is therefore not only key for the Colombian economy, but is important to US interests. To this end, the US government has poured significant resources into protecting the pipeline. Since 2002, it has handed over US\$ 1.9 billion in assistance to Colombia, including funds for counter-insurgency and anti-narcotics activities, making the country the third largest recipient of US military aid in the world, after Israel and Egypt. Included in this total is US\$ 99 million approved in 2003 to fund the protection of the oil pipeline, mainly through the purchase of helicopters, training, intelligence and equipment for the army's XVIII Brigade, and the creation of a new 5th Mobile Brigade (initially assigned to the protection of the pipeline) and additional riverine and police units, all of which will be provided with equipment from US funds.¹⁷ In January 2003, 60 US Special Forces' personnel arrived in Arauca – to join 10 who were already there – to train units from the XVIII Brigade. Occidental Petroleum has also

¹⁷ Testimony of Major General Gary D. Speer, Acting Commander in Chief, US Southern Command, Senate Western Hemisphere Subcommittee, 24 April 2002.

reportedly contributed financial resources and logistical support to the Brigade, including transport helicopters, to assist with the protection of the pipeline.¹⁸

Over more than a decade substantial sums have been provided by the oil industry to the security forces. A “war tax” imposed by the Colombian government in 1992 obliged oil corporations to pay approximately US\$1 per barrel.¹⁹ According to a 2002 article in the *Los Angeles Times*, Occidental Petroleum was paying US\$750,000 to the Colombian security forces in logistical support.²⁰ On 12 September 1996, the Cravo Norte Association – which operates the Caño Limón oilfield and is owned by Ecopetrol and Occidental Petroleum –had signed a “collaboration agreement” (*acuerdo de colaboración*) which committed it to provide financial support to XVIII Brigade units operating in the vicinity of the Caño Limón oilfield.²¹ The collaborative agreement, included around US\$2 million in the form of a one-year disbursement to the Colombian security forces.²²

Many of the violations of human rights and breaches of International Humanitarian Law by both sides in the conflict occur in communities and areas that border the Caño Limón pipeline:

- On 22 December 2002, the FARC allegedly blew up a bus carrying Occidental workers on the Arauca to Caño Limón road. Two workers died and 12 were injured.
- On 16 December 2002, two armed hooded men wearing black tops and camouflage trousers reportedly stopped a peasant farmer, his wife and their children, who were driving their truck on the Playas de Bojaba to Saravena highway. They forced them out of the vehicle, searched them and kicked the husband. They then forced them to lie on the ground. They took the wife to the bushes and allegedly raped her after threatening to kill her children. They left the area after taking many of the victims’ possessions. This area is heavily militarized since it lies near the pipeline.
- On 10 August 2002 the Coagrosarare Cooperative in the hamlet of Alto Satoka in Saravena was ransacked, purportedly by soldiers from the army’s Battalion No.27, whose responsibility is to guard the Caño Limón pipeline. The soldiers left after allegedly writing paramilitary related slogans on the walls.

Communities living along the pipeline are closely monitored by the security forces, who often intimidate these communities by warning them that the paramilitaries are coming behind them or

¹⁸ “A Colombian village caught in a cross-fire. The bombing of Santo Domingo shows how messy US involvement in the Latin American drug war can be”, *Los Angeles Times*, 17 March 2002.

¹⁹ Figure quoted in Thad Dunning and Leslie Wirpsa, *Oil and the Political Economy of Conflict in Colombia and Beyond: A Linkages Approach*, 2002 paper due to be published in *Geopolitics*.

²⁰ “A Colombian village caught in a cross-fire. The bombing of Santo Domingo shows how messy US involvement in the Latin American drug war can be”, *Los Angeles Times*, 17 March 2002.

²¹ See Human Rights Watch document: *Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies* (April 1998).

²² See Human Rights Watch, *Colombia: Human Rights Concerns Raised By The Security Arrangements Of Transnational Oil Companies*, April 1998.

by using paramilitary proxies to threaten and harass these communities. The guerrillas have also threatened those who complain about attacks on the pipeline by armed opposition groups.

Amnesty International does not question a company's duty to guarantee the safety of its staff. However, the organization believes that firms operating in areas of conflict must ensure that their operations do not contribute wittingly or unwittingly to human rights violations.

As this report will show, Amnesty International has documented a number of cases in which soldiers from Arauca's XVIII Brigade – which receives funding from the United States and reportedly from Occidental Petroleum to protect the pipeline – have been implicated in serious human rights violations, either directly or in collusion with paramilitary forces.

Military Aid: Protecting US interests in the region

In 1994 direct US military aid to the Colombian army was suspended because of its appalling human rights record and its collusion with illegal paramilitary groups responsible for widespread human rights atrocities. In 2000, however, despite overwhelming evidence of the army's continued links with paramilitaries, the US government approved a massive program of military aid to Colombia, most of it destined for the army. Controls and safeguards attached to the aid are insufficient to guarantee that it will not be used – either directly or indirectly via paramilitary groups – in the commission of serious human rights violations.

On 13 July 2000 then US President Bill Clinton signed Public Law 106-246, which included a US\$1.3 billion aid package, mainly military, for Colombia. In approving the aid the US Congress voted to impose strict human rights conditions (known as certification), which were subsequently waived by President Clinton on the grounds of US national security interests. The US assistance is channelled through a controversial aid package known as Plan Colombia, which is described by the US government as an aid plan designed to combat drugs and contribute to achieving peace. It proposes a principally military strategy to tackle illicit drug cultivation and trafficking through substantial military assistance to the Colombian armed forces and police, and the creation of three anti-narcotics army battalions.

Several oil companies played an important role in lobbying the US Congress for military aid to Colombia despite the Colombian army's poor human rights record. In 1996, the Colombia Business Partnership was created by BP Amoco and Occidental Petroleum, among others, to lobby for military aid to Colombia. On 15 February 2000, Lawrence Meriage, Vice President, Executive Services and Public Affairs of the Occidental Oil and Gas Corporation, addressed the US Congress' House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources: "the counter-narcotics battle simply cannot be won without a stronger, better equipped and highly disciplined military force". He urged Congress members "to ensure that whatever aid package emerges ensures a careful balance of support between the CNP [Colombia National Police] and the military". Lawrence Meriage urged Congress "to consider support of

counter-narcotics operations in the northern regions as well as the south. This will help augment security for oil development projects”.²³

In July 2002, the US Congress passed an emergency supplemental spending bill that lifted a previous provision limiting US assistance to counter-narcotics efforts. Under the new rules, US security assistance can be used against “organizations designated as terrorist organizations...” The new US strategy makes US assistance to Colombia available for counter-insurgency activities for the first time, including direct action against armed groups. The US is now providing military aid for direct use in counter-insurgency operations specifically to protect US operated oil installations, such as Caño Limón. In August 2002, the US administration once again waived human rights certification requirements.

In February 2003, Congress approved another \$439 million for Colombia from the Andean Counterdrug Initiative – \$284 million in police/military assistance and the rest for economic and social assistance. In April, Congress also approved another \$105 million in emergency assistance, mostly for further transfers of military equipment. President Bush has requested an additional \$574 million for Colombia for Fiscal Year 2004, which began on 1 October 2003.

Despite the failure by the Colombian government and military to meet congressional human rights conditions, military aid was repeatedly approved by both the Clinton and Bush administrations. Despite serious misgivings by members of the Senate, where US assistance was temporarily held up, the fiscal year 2003 assistance was eventually approved and transferred to Colombia. Under new criteria negotiated in the 2003 budget, the certification process now applies only to 25% of US security assistance, rather than the previous 100%. It is thought that 50% of aid will be subject to certification in 2004.

The Quest for Domination: Guerrillas and Paramilitaries

Political violence in Arauca increased significantly following the discovery of oil in the region in the mid 1980s. Although both the FARC and the ELN had had a presence in the department since the early 1980s, their efforts to control Arauca only gathered pace after the discovery of oil in the region. The FARC is believed to have around 1,000 guerrillas in Arauca grouped around Fronts 10 (Guadalupe Salcedo) and 45 (Atanasio Girardot) and the Alfonso Castellanos and Usías Cuéllar columns. The ELN is believed to have 500 fighters organized around the Domingo Laín Front and the Capitán Pomares and Simacota companies.

Army-backed paramilitaries secured a strong military foothold in Arauca Department in 2001 in the wake of large-scale operations carried out by the Colombian military – notably *Operación Arawac* – against guerrilla forces in the region.²⁴ Most arrived from the department of Casanare to the south of Arauca and have been working their way up north through the department via Cravo Norte, Tame and Puerto Rondón. They now also have a significant presence in the municipality of Arauca, although remain strongest in three southern municipalities. The increase in paramilitary

²³ Statement of Lawrence P. Meriage, Vice President, Executive Services and Public Affairs, Occidental Oil and Gas Corporation, before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, Hearing on Colombia, 15 February 2000.

²⁴ See Chapter 6 for a more detailed analysis of Operation Arawac

activity in the department coincided with the demise of oil exploration and production in Casanare and the announcement of new oil finds in Arauca Department. The paramilitaries are not only engaged in efforts to protect Arauca's oil resources from guerrilla attack, as they did in Casanare, but to control the region's increasingly important coca industry and the national and international entry and exit routes into Arauca Department via the *piedemonte* and *sabana*. The paramilitaries in Arauca Department are also seeking to prevent the guerrilla groups from extracting protection rent from the oil companies operating in the region.

The paramilitaries are also engaged in efforts to undermine perceived civilian support for the guerrillas through terror tactics such as massacres, selective killings and threats, mainly against human rights defenders, social and trade union activists, journalists, teachers and health workers. These sectors are targeted to silence denunciations of human rights violations committed by the security forces and their paramilitary allies in the region; to break any perceived or imagined links between civilians and guerrillas; to silence opposition to oil exploitation and other economic interests, as well as the privatization of health and education services; and to forcibly displace peasant farmer or indigenous communities living close to oil installations or in areas due to be exploited. The main paramilitary units active in the region are the Centauro and Casanare blocs, which form part of the AUC.

3. THE OFFICIAL RESPONSE: STATE OF EMERGENCY

The government of President Uribe declared a State of Internal Commotion on 11 August 2002, three days after assuming office, and on 9 September 2002 issued Decree 2002, which established the RCZ mechanism, granted judicial police powers to the military, and allowed them to carry out registers of the population.²⁵ A State of Internal Commotion, which is less draconian than Decree 2002, gives significant powers to the military, including the right to restrict freedom of movement and residence, prevent radio and television from transmitting "sensitive" information, restrict meetings and demonstrations, intercept communications subject to judicial authorization, and carry out preventive detentions without judicial order.

On 25 November 2002 the Constitutional Court declared that parts of Decree 2002 were unconstitutional, notably those granting judicial police powers to the military and the right to register the civilian population. On 29 April 2003, the Court ruled against the renewal of the state of emergency and Decree 2002. This prompted the government to introduce a constitutional reform bill that would grant judicial police powers to the armed forces. Such powers would allow the military to detain, search homes and intercept communications without judicial authorization. This bill was approved by Congress on 10 December 2003. It will become operative once an enabling law is passed by Congress, probably in mid 2004.²⁶

²⁵ See *Security at What Cost? The Government's Failure to Confront the Human Rights Crisis* (AI Index: 23/132/2002) for a detailed analysis of the State of Internal Commotion and Decree 2002.

²⁶ See Chapter 6 for a detailed examination of judicial police powers.

The Arauca Rehabilitation and Consolidation Zone

Decree 2002 also gave the military additional powers to those contained in the State of Internal Commotion and restricted certain rights in the RCZs, which were defined as geographical areas “affected by the actions of criminal groups in which, in order to guarantee institutional stability, re-establish the constitutional order, the integrity of national territory and protection of the civilian population, makes it necessary to apply one or more of the exceptional measures outlined in the following articles, without this affecting the application of the other measures under [the state of] internal commotion”.²⁷

Two RCZs were set up on 21 September 2002 – in the departments of Sucre and Bolívar, and in the department of Arauca. These two areas covered 29 municipalities (16 in Sucre, 10 in Bolívar, and three in Arauca).²⁸ Within these Zones, a military commander had control over all the security forces, including the police. Moreover, in the RCZs:

- Specific persons leaving an RCZ had to inform the authorities two days prior to doing so. Anyone breaching this requirement could be detained for up to 24 hours.
- Individuals not carrying identity papers could be detained for up to 24 hours.

Decree 2002 also included specific restrictions for foreigners visiting the RCZs. The government’s intention in this respect was made clear in the eighth preambular paragraph of the decree which stated that “it is necessary to avoid the presence of foreign criminals who enter [the country], give training, or participate in the activities of criminal organizations that exist in the country, a situation that justifies the appearance of foreigners before the authorities”. Foreigners wishing to enter the RCZs needed authorization from the governor eight working days prior to a visit. If an RCZ covered more than one department authorization was needed from the Interior Ministry. Those who failed to comply could be expelled. Foreigners also had to present themselves to the authorities if requested to do so. Failure to do so could also lead to expulsion. These measures were used to restrict access to the RCZs of humanitarian and human rights monitors. The RCZ led to an increase in human rights violations while making it easier for the authorities to silence denunciations of human rights violations. Moreover, in practice, many of the restrictions implemented under the State of Emergency and Decree 2002 continued to be applied despite the Constitutional Court ruling against these measures.

A Soldier on Every Corner: The Militarization of Arauca

Arauca is one of the most militarized departments in the country, and became more so following the creation of the RCZ in the three northern municipalities of Arauca in September 2002. The army brigade in the department is the XVIII Brigade, which until late 2003 was headed by General Carlos Lemus Pedraza (who was also designated commander of the RCZ). The new commander is Brigadier General Gustavo Matamoros Camacho. The XVIII Brigade is based in the capital, Arauca. It consists of several battalions and units, including Counter-guerrilla Battalion No.46

²⁷ Article 11, Decree 2002 of 2002.

²⁸ Two new municipalities, one in the department of Bolívar and the other in the department of Sucre, were included in the Rehabilitation and Consolidation Zone on 24 November 2002.

“Héroes de Saraguro” in Arauquita²⁹, Engineering Battalion No.18 “Navas Pardo” in Tame, Counter-guerrilla Battalion No.49 “Héroes de Tarazá” in Fortul, and Air Transported Cavalry Group No.18 “General Rebeiz Pizarro” in Saravena.

The military presence was strengthened after the introduction of the RCZ, including new army units, extra police, an anti-riot squadron (*escuadrón antimotines*), and new equipment for the riverine units attached to the *Brigada de Infantería Marina*. The *Fuerza de Despliegue Rápido* (FUDRA), Rapid Response Force, has also had a permanent presence since November 2002. There are also a number of mobile units, including the 5th Mobile Brigade.

The Human Rights Cost: An Exacerbation of the Armed Conflict

Although the security and human rights situation has been critical throughout the department of Arauca for years, the government chose to limit the RCZ to the three northern municipalities. The Caño Limón pipeline runs precisely through these three municipalities. The four southern municipalities, where the paramilitaries dominate, were excluded from the special security measures. The north-west section of the pipeline also cuts through the second RCZ set up in Sucre and Bolívar. When asked why only areas with a strong guerrilla presence had been included in the RCZ, the Governor of Arauca replied that “it was the government’s decision. They undertook a detailed analysis and spoke to many people, and have their reasons for doing so. In terms of security this is what they considered best.”³⁰

The eight-months during which the RCZ was in operation was marked by an increase in the violation of human rights and International Humanitarian Law committed by the parties to the conflict. During this period the military carried out several mass arrests and raids, many of which affected human rights defenders and social and trade union activists, such as the arrest of 2,000 people in Saravena on 12 November 2002. There was also a marked increase in the use of car and bicycle bombs by armed opposition groups, many of which killed civilians, including children. The killing of human rights defenders, trade unionists, journalists, politicians and public officials continued unabated, and even increased in some municipalities. Mass death threats by guerrillas and paramilitaries against many sectors of society were also issued during this period.

In the urban centre of Saravena, 18 people were killed in a two-week period alone in the second half of February 2003, despite the fact that the town is one of the most militarized in Colombia with a significant presence of police and army personnel. The dead included two children, 15-year-old Josué Quiroga Granados and 17-year-old Miguel Angel Mantilla Muñoz.

A report from the Procurator General’s Office on Arauca states: “The measures adopted and their execution have not had the expected results, as is shown by this report on the RCZ in Arauca Department. The threat against local leaders continues and has now been extended to municipal public officials [...], and the application of rights, especially the right to life, has not improved in the area. For this and other reasons it has to be concluded that the RCZ experience in Arauca is a

²⁹ The Héroes de Saraguro Battalion had been attached to the V Brigade and operated in the department of Norte de Santander. It was transferred to the XVIII Brigade following a series of human rights violations committed by paramilitaries in 1999 and 2000 in areas close to Héroes de Saraguro units.

³⁰ *El Tiempo*, 4 October 2002

failed experiment in quantitative and qualitative terms, especially if viewed from a human rights perspective. Neither the increase in military personnel, the strategy of informers, or that of the peasant soldiers have had the expected results. On the contrary, they have led to other difficulties [such as] the exposure of the civilian population to greater risk than it previously experienced”.³¹

The 2002 Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia, published on 24 February 2003, also criticized the military’s conduct in the RCZs: “In many of the operations, the security forces made use of the powers they had been given under the decree [2002] [...] authorizing them to perform arrests, raids and searches without a warrant; this led to the detention of many individuals, of whom only a minority were ever brought before the courts. In several cases, the use of hooded informers damaged the reputations of the individuals they singled out”.³²

Although the RCZ and the state of emergency are no longer legally in force it remains business as usual for the military. They continue to carry out arbitrary detentions and registers of the population, while efforts to criminalize human rights defenders and social activists have increased. Amnesty International also continues to document cases of torture, killings and “disappearances” carried out by the military, either directly or in collusion with paramilitaries.

4. DRAGGING CIVILIANS INTO THE CONFLICT

A fundamental principle of International Humanitarian Law is that parties involved in a conflict, including one that is classified as non-international as is the case with Colombia, must at all times distinguish between civilians and combatants, and between civilian and military objectives. It is not permitted to target civilians, that is, people who are not members of the armed forces of either side. This principle, known as the principle of distinction, is codified in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. The principle of distinction is a fundamental rule of customary International Humanitarian Law, binding on all parties to armed conflicts, whether international or non-international.

Rather than shielding civilians from hostilities, government measures appear to be designed to drag them further into the conflict. This has been compounded by President Uribe’s failure to respect the principle of distinction. In a letter, dated 16 October 2002 to Amnesty International, President Uribe wrote: “Nobody can be neutral in the state’s fight against criminality.” While a state may urge its citizens to collaborate with its judicial institutions and denounce human rights violations, in a conflict situation the state must not promote practices that expose civilians as direct targets in the conflict. Some of the government’s policies, which have been applied in Arauca, have dragged civilians further into the conflict.

Government policies which threaten to blur the distinction between civilians and combatants are contrary to Article 13 (1) of Protocol II of the Geneva Conventions which applies to non-international armed conflicts, and which states: “The civilian population and individual citizens

³¹ *Procuraduría General de la Nación, La Zona de Rehabilitación y Consolidación: Informe Especial*, 2003, Bogotá.

³² Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia, 24 February 2003, E/CN.4/2003/13.

shall enjoy general protection against the dangers arising from military operations". Colombia acceded to Protocol II of the Geneva Conventions on 14 August 1995.

The Army of Peasant Soldiers

On coming to office in August 2002 the government announced that it would immediately create at least 15,000 "peasant soldiers" – or "soldier from my town" (*soldado de mi pueblo*) as they are also known) – and 100,000 before its term of office ends in 2006. According to the government they are voluntarily-recruited soldiers who, unlike most regular soldiers, operate in areas in or near their home communities. By the end of 2003 there were thought to be over 17,000 peasant soldiers. According to the government there are peasant soldiers in all the municipalities in Arauca. Then Defence Minister Marta Lucía Ramírez de Rincón also stated that the number of peasant soldiers in the department will increase in 2004 because of the serious security situation.³³

As soldiers they do not enjoy the protection afforded to civilians under International Humanitarian Law. However, this initiative raises concerns that because most are operating within their community, their families could be more susceptible to guerrilla attack since their links to peasant soldiers operating nearby will be more readily known. There is a danger therefore that peasant soldiers could be absorbed into the paramilitary strategy, as a means to protect themselves and their families from guerrilla attack. These same families may also feel obliged to join civilian informer networks to guarantee their own protection. This has placed the families of peasant soldiers at increased risk of attack by guerrilla forces. The ELN issued a threat against peasant soldiers in Arauca on 4 March 2003. At the same time, there is a danger that paramilitaries operating in Arauca have been able to incorporate themselves into peasant soldier units. Among the first peasant soldier units created were those set up in Tame, Puerto Rondón and Cravo Norte, precisely those municipalities in which paramilitaries consolidated their position following *Operación Arawac*.

Given the precarious economic situation of many rural communities, many individuals may be tempted to join the "peasant army" simply as a way of escaping from abject poverty. There is also a lack of clarity about the degree and quality of training these soldiers will receive and little evidence that effective vetting procedures have been put in place nor information about whether they will be subject to normal disciplinary controls and procedures.

There is also a lack of clarity about their true purpose. The initiative was originally designed to ensure that communities with no regular army presence would be protected by members of their own community, in the form of peasant soldiers. However, Amnesty International was told by the then Commander of the XVIII Brigade in March 2003 that peasant soldiers were being stationed in towns with an existing regular army presence.³⁴ There is also evidence that some peasant soldiers have been sent on patrol in areas far away from their communities.

There is evidence of peasant farmers being forcibly recruited into the peasant soldier army in Arauca. During their visit to Arauca in March 2003, Amnesty International delegates received

³³ Statement by the Defence Minister during a visit to Arauca in July 2003, reported by the government's website on 15 July 2003 (www.presidencia.gov.co).

³⁴ Interview with General Lemus on 20 March 2003.

information indicating that 39 peasant farmers were recruited into such units in the municipality of Saravena reportedly as part of ordinary compulsory military service and not on a voluntary basis. Their families subsequently received threats from the FARC.

The danger is that family and community life is being militarized in Arauca. By creating the peasant soldiers (as well as the network of civilian informers examined below) the government is not only incorporating these individuals into the military's counter-insurgency strategy but all their families and friends. These are all at risk of attack by guerrilla groups. Whole communities could potentially be at risk forcing them to actively collaborate with the military in order to neutralize any potential guerrilla threat. As one military officer remarked, if you multiply the number of peasant soldiers by the number of family members and friends they have you can easily create an informer network covering the whole municipality.³⁵

The Network of a Million Civilian Informers

The informer network created by the government requires civilians to compile and pass on intelligence information on illegal armed groups to the security forces. In its policy document on the informers (or *cooperantes* as the government now prefers to call them) the administration outlined who would make up this network. They include networks based on the *Juntas de Acción Comunal* (Community Action Groups) and the *Frentes Locales de Seguridad* (Local Security Fronts); the *Red Empresarial de Seguridad Ciudadana* (Business Network of Citizen Security), consisting of private security firms; the *Red Ciudadana de Informantes en las Carreteras y de Conductores* (Citizens' Network of Highway Informants and Drivers), including taxi and bus drivers; *Red Ciudadana de Policías Cívicos* (Citizen Network of Civic Police); *Red Ciudadana de Miembros de la Defensa Civil Colombiana* (Citizen Network of Members of the Colombian Civil Defence); and *Red "Servicios Especiales y Comunitarios de Seguridad"* (Special and Community Security Services' Network), which operates in high-risk areas. According to the government, by the beginning of 2004 more than 1.8 million people formed part of the network run by both the army and the police.

To promote the network of informants, the army introduced the "*lunes del informante*" – the Monday of the Informant. This consisted of anonymous hooded informers receiving wads of cash from a military commander in a televised ceremony. The authorities abandoned these staged events after they became the subject of widespread national and international criticism.

³⁵ *El Espectador*, 24 February 2002.

©Reuters An informer receives cash from General Mario Montoya in Medellín in a televised ceremony attended by senior members of the government, including President Uribe (far right at the back).

President Uribe and other government ministers have often compared the network of civilian informers to the neighbourhood watch schemes in place in Europe. This is a disingenuous comparison. London and Paris, for instance, are not cities plagued by armed violence and serious violations of human rights and breaches of International Humanitarian Law. There is no armed conflict in Stockholm, Lisbon or Vienna. Citizens in these cities can participate in these schemes to combat common crime without fear of a bullet in the head or a bomb in their children's school. They will not be targeted by guerrillas or army-backed paramilitaries who accuse them of siding with their enemy for participating in such a scheme.

The network was criticized by the Office in Colombia of the UN High Commissioner for Human Rights and by the Human Rights Ombudsman.³⁶ This criticism, shared by national and international human rights groups, is based on three points. First, by giving civilians a direct role in the conflict the distinction between civilians and combatants is dangerously blurred. Even the government appears to be unclear about this distinction. In August 2002, the then Defence Minister Marta Lucía Ramírez said these informers were not civilians since they will have a direct association with the security forces and will receive payment.³⁷

³⁶ Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Colombia, 24 February 2003, E/CN.4/2003/13 and *Diario del Magdalena*, 30 March 2003.

³⁷ *El Tiempo*, 9 August 2002

Second, it will expose members of the networks to attacks by guerrillas. Members of these networks are already targeted by guerrilla forces. This could fuel arguments to equip these networks with weapons, thus facilitating the emergence of new style paramilitary groups. Proposed legislation in Congress which would grant civilians access to semi-automatic weapons, and Decree 1612 – signed by President Pastrana on 31 July 2002 – which contains provisions allowing civilians to set up their own security cooperatives to defend themselves against subversives and to bear arms, makes this development a distinct possibility.³⁸ In March 2003, Amnesty International delegates were informed that among those killed in guerrilla attacks in several parts of Colombia were members of civilian informer networks.

Third, the evidence of anonymous, paid informants is unreliable, since an informant decides on his or her own criteria for deciding who is “suspicious”; many are motivated by the financial rewards paid by the state or the security forces, and others could be influenced by personal grudges or interests. The use of informer networks is particularly unreliable when such networks are used as substitutes for legitimate investigations and prosecutions.

Many human rights defenders and social activists in Arauca and elsewhere in Colombia have been detained on the basis of spurious information from informers. Although these networks are operating in Arauca, the regional authorities are concerned that not enough volunteers are coming forward because of well founded fears of being targeted by guerrilla groups. This, and the increase in attacks by the guerrilla against the security forces, has prompted the government to call on the police and army to step up the payment of rewards in return for information. This is likely to lead to more miscarriages of justice in the department.

The families of informants have also been targeted. According to the Report of the UN High Commissioner for Human Rights on the human rights situation in Colombia, published on 24 February 2003, at least five relatives of informers had been killed in Saravena.³⁹

Amnesty International has also received information indicating that following captures of suspected guerrilla members in Saravena, radio broadcasts have carried messages of congratulations to those parts of the municipality whose residents provided the information which made the captures possible. Such broadcasts suggest a strategy has been adopted by the authorities which is seeking to ensure that civilians play an active role in the conflict.

³⁸ Decree 1612 might pave the way for the re-emergence of “self defence” CONVIVIR-style groups, created by President Ernesto Samper in 1994. These groups were often armed and involved in human rights violations including massacres, often in coordination with paramilitaries and the armed forces. In November 1997, the Constitutional Court ruled that the CONVIVIR should not be permitted to act as “death squads” and ordered them to hand in weapons reserved for the use of the armed forces. There are fears that some civilian informer networks might evolve into CONVIVIR type groups. Amnesty International has received no information to indicate that this Decree has been abrogated by the present government; indeed it was passed days before the government of President Uribe took office.

³⁹ Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Colombia, 24 February 2003, E/CN.4/2003/13.

Soldier for a Day

The army's Psychological Operations Group (*Grupo de Operaciones Psicológicas*, GEOS) introduced the "soldier for a day" (*soldado por un día*) scheme at the Rebeíz Pizarro Battalion in Saravena in November 2002, although it was reportedly disbanded in mid 2003 following pressure from the Office of the Procurator General. The scheme was directed at schools and colleges. Children from Saravena's public and private schools were encouraged to attend the battalion where they played with the soldiers dressed as clowns, used the swimming pool, participated in raffles and received cakes, fizzy drinks, played with the tanks, while soldiers showed them how to use weapons.

Before returning home the children were reportedly rewarded with a facsimile of a 20,000 peso note on which was written: "The government rewards you. You and your family deserve another chance. Leave now [in reference to the guerrilla]!". The army claims the program was designed to "teach children to love the fatherland" and to "strengthen their love and respect for patriotic symbols. However, its real purpose was somewhat different. As the commander of the Rebeíz Pizarro Battalion stated, it was designed to ensure "that the son of the guerrilla questions his father".⁴⁰



⁴⁰ *Semana*, 3 February 2003.

Witnesses who have spoken to Amnesty International have also said that the children attending these events were used to garner information on alleged guerrilla activity by their parents and other family members. Although the Soldier for a Day scheme has apparently been disbanded Amnesty International is still concerned that children are being used by the military to incriminate their parents, and the psychological effects on children of such a practice are at best uncertain. The organization was also concerned that minors were being put at risk by being brought to the barracks, a military target for the guerrilla.



Translation of army leaflet: Children from Saravena: We will soon be waiting for you in your Rebeiz Pizarro Group so that you can participate in the Soldiers for a Day Program

Schools in Saravena were pressured by the army to participate in this scheme, and other similar events, despite concerns expressed by local teachers and parents. As one teacher stated: "On Friday 25 October 2002, a truck owned by the military parked in front of the doors of the school. A boy approached me and told me to open the door since they needed to come in. I immediately got the keys and opened the door. At first two members of the security forces came in, then another one. We greeted each other very cordially and then they told me that it was children's month and that the National Army had organized an event for them with clowns. They invited me to take the children to the park [...]. I told them that I couldn't take them because that was a

dangerous area and that I also didn't have the parents' permission and that there was constant shooting against the security forces which would put the children's safety at risk and that the school was responsible for them. They got very annoyed that I did not accept the invitation made by the military gentlemen, and one of them told me I was treating them like criminals. One of them, who was carrying a video camera, placed it in front of my face and filmed me; another soldier, who was very angry, asked me my name, my ID number, the name of the school and they took these details with them".

The teacher was subsequently one of the 2,000 local people arrested in Saravena on the night of 12 November 2002, although he was released that same night without charges after having been questioned and his arm marked with indelible ink.

The armed forces' practice of organizing similar activities with children as part of their psychological operations program is widespread throughout the country. Such activities include handing out sweets to children on International Children's Day and organizing circuses. Several military units have organized circuses in different parts of the country, including the XVIII Brigade.

5. STRATEGY TO STIGMATIZE CIVIL SOCIETY

Human rights defenders and social activists are at the forefront of the struggle for political, social and economic rights in Colombia. This is clear in the department of Arauca which has a long-standing and well-developed human rights and trade union movement. It is active in denouncing violations of human rights and breaches of international humanitarian law by all parties to the conflict. As such, these organizations have become a target of those in Colombia who wish to silence their denunciations. This raises concerns that they are increasingly facing a coordinated military-paramilitary strategy aimed at tarnishing and undermining them and their organizations through arbitrary detentions and criminal proceedings and thereby paving the way to the risk of violent paramilitary attack. This strategy has been complemented by a number of government measures, some of them introduced in Arauca and others on a nationwide basis, designed to further strengthen impunity in the country.

In the Colombian conflict, guerrilla forces have also targeted social activists and human rights defenders who have criticized guerrilla actions or pursued socio-economic alternatives that do not conform to guerrilla ideology.

Human Rights Defenders, Social Activists and Peasant Leaders

Amnesty International has information that the security forces continue to arbitrarily detain human rights defenders, social activists, and peasant leaders in Arauca. Many of these detentions take place during operations in which dozens and even hundreds, and in the case of the November 2002 mass arrest in Saravena, thousands of people are detained at a time. These arrests have been termed "*pescas milagrosas*" (miraculous fishing trawls) because the army detains hundreds of civilians in the hope of finding a few guerrilla "suspects". These operations serve to label whole sectors or communities as subversive and not only violate their right not to be arbitrarily detained but also expose them to paramilitary attack.

In many cases, there have been no prior judicial investigations into these individuals, and therefore these arrests are carried out without judicial order, or at most with an arrest warrant signed *in situ* or *post facto*. In other cases, the judicial investigation is opened after the detention, usually for crimes related to rebellion or terrorism. It is usual for the security forces to make statements to the media, including television, about these detentions often announcing the capture of high-ranking members of the guerrilla and identifying the detainees. More often than not, these suspects are subsequently released for lack of evidence, although not before they have been publicly identified by being paraded before the cameras. The military has raided the homes and arbitrarily detained an increasing number of human rights defenders and social leaders in Arauca, many of whom have previously denounced human rights violations implicating paramilitaries operating with the acquiescence of the army.

On 21 August 2003, 42 social activists and human rights defenders in Saravena were detained by members of the XVIII Brigade and agents of the Office of the Attorney General. Among those arrested were José Murillo Tobo, president of the “Joel Sierra” Regional Human Rights Committee, and Alonso Campiño Bedoya, leader of the regional branch of the CUT Trade Union Congress and member of the Regional Human Rights Committee. All the human rights defenders and social activists detained that day are reportedly still in prison facing guerrilla-related charges. The houses of Samuel Morales, president of the regional CUT, Alberto Paez, another trade union leader, and Ismael Pabón Mora of the Regional Human Rights Committee were also searched during the raids but were not arrested because they were not at home.

The arrest of José Murillo and Alonso Campiño came after the Committee had denounced the presence of paramilitaries operating in collusion with the security forces in Saravena and a spate of human rights violations in the department committed by paramilitaries operating with the security forces and directly by the military often presenting themselves as paramilitaries. The arrests also follow a spate of accusations against the Committee made by the security forces in recent months that they were subversive collaborators and paramilitary attacks and threats against the Committee. The Regional Human Rights Committee is one of the regional organizations which has denounced these violations at the international level. According to information received, two hooded informers participated in the arrests raising concerns that evidence is based on military intelligence and information provided by paid informers.

On 21 October 2003, 31 people in Arauca were arrested, most of them political leaders of opposition political parties and movements. The arrests took place only five days before the 26 October local elections, and some of those arrested were leading the polls. Among those arrested were a candidate for the governorship of Arauca, Father José Helmer Muñoz, the favourite according to the polls; a candidate for Arauca’s municipal council, Orlando Barahona; three candidates for the post of mayor in Arauca, Cravo Norte and Saravena, Luis Alberto Peroza, Antonio Ortiga and Zoila Esposito; three former governors Gustavo Castellanos, Vicente Lozano and Héctor Gallardo; two former mayors, Iliana Baroni and María Elena Molina; two deputies, Elionor Avila and Ramón del Carmen Garcés; the departmental comptroller, Emma del Carmen Benítez; the mayor of Arauca, Jorge Cedeño; a member of the *Comisión de Paz y Derechos Humanos - Movimiento Comunal y Comunitario de Colombia*, Peace and Human Rights Commission – Community Movement of Colombia, Enrique Soriano; and four political leaders,

Herman Rico, Pedro Orjuela, Esperanza Sandoval and Gloria Suárez. They were accused of links with the ELN. The detainees were allegedly identified by three informers, purportedly former guerrillas now in the government's witness protection programme, rather than on independent judicial or police investigations.

Paramilitaries in the department of Arauca have also continued to target human rights defenders and social activists. In September 2002, according to information received, the AUC issued a written death threat to trade unionists in Arauca. The paramilitaries accused them of links to subversive groups and declared them to be military objectives of their units.

This death threat was received on 11 September 2002 by electricity workers of the *Empresa de Energía de Arauca (ENELAR ESP)*, Arauca Energy Company, and followed two previous death threats. In the first, dated 6 July 2002, the AUC stated that the identities of more than 150 workers in the municipal capitals of Tame, Fortul, Arauquita, Cravo Norte, Puerto Rondón and the surrounding rural areas are known to them. On 7 July 2002, in an emailed death threat sent to the company, the AUC threatened employees and members of the Arauca Branch of the Colombian electricity workers union *Sindicato de Trabajadores de la Electricidad de Colombia (SINTRAELECOL)*: "Bosses, trade unionists and some workers...you are warned that you have to resign immediately, if not you will have to face up to the consequences".

Between 1 January and 14 November 2003, the department of Arauca accounted for more than 47% of all killings, arbitrary arrests and detentions carried out against trade unionists in Colombia. At least six trade unionists were killed in the department during this period, the second highest rate in the country, behind Antioquia (which is a larger and more populous department than Arauca). Most trade unionists killed in Arauca were either health workers or teachers, two of the most hard hit trade union sectors in Colombia.

Peasant farmer organizations and those working on land reform issues have also been targeted and labelled as subversives by the security forces and their paramilitary allies. As in other parts of the country, Arauca has been affected by land disputes. A 1995 report by an Interinstitutional Commission which included representatives of state bodies, the government and NGOs, concluded that land concentration in the region had led to land invasions and other strategies to claim land. It also stated that the lands indigenous populations were claiming were being occupied by peasant farmer families and that the land to which indigenous communities had been given title was less than the amount indigenous populations were occupying. The report also concluded that land conflict was most intense in areas where powerful economic interests were at stake.⁴¹ It is in this context that peasant farmers and indigenous communities seeking land rights have faced repeated human rights violations.

On 16 May 2003, four members of the *Asociación Campesina de Arauca (ACA)*, Peasant Farmer Association of Arauca, were reportedly detained by members of the XVIII Brigade and the police in Tame. Amongst those detained were Pedro Mosquera, Eduardo Peña Chacón and Ronald Peña Chacón, who were accused by the police of being members of guerrilla militias operating in

⁴¹ *Informe Comisión Interinstitucional sobre Situación de Derechos Humanos en los Departamentos de Casanare y Arauca*, July 1995.

Arauca. The police agents reportedly beat them, put plastic bags over the heads and forced them under water. They were subsequently released without charge.

In July 2003, two ACA members were reportedly detained along with 30 other people during a military operation in which XVIII Brigade troops were accompanied by members of the Office of the Attorney General in Aguachica, Arauca Municipality. One ACA member was released while, according to last information received, Apolinar Herrera has been charged with rebellion. Several gas cylinders – which have been used by the guerrilla as home made mortars – were allegedly found in his home; he reportedly works as a gas distributor.

Denys Alberto Monsalve Garzón, an ACA leader, has been missing since 7 January 2003 when he was due to travel by taxi between the municipality of Saravena and the community of Pueblo Nuevo in Tame Municipality. Reportedly he did not board a taxi. Prior to his possible “disappearance” Denys Alberto had reportedly been detained arbitrarily on several occasions by the police in Saravena who accused him of being a guerrilla collaborator. On releasing him the police had told him that he should “look after himself”.

There have also been increasing concerns for the safety of members of the *Asociación de Usuarios Campesinos* (ADUC), Peasant Farmer Workers Association. On 12 November 2002, ADUC Secretary General Evangelista Rocha was one of the activists detained during the mass arrests in Saravena. On 30 August 2003, paramilitary graffiti appeared on the wall of the building in Saravena ADUC shares with the “Joel Sierra” Regional Human Rights Committee and other social organizations: “We have arrived, death to militia and collaborators... ACC-AUC”.

Those working in support of human rights have also been targeted by paramilitaries. On 8 November 2002, José Rusbel Lara, a member of the “Joel Sierra” Regional Human Rights Committee was shot dead by two alleged paramilitaries on a motorcycle. José had been the object of paramilitary threats in the months prior to his death and benefited from precautionary measures granted to him by the Inter-American Commission of Human Rights. The killing was followed in subsequent months by the arbitrary detentions of several members of the Regional Human Rights Committee. Cases such as these illustrate how arbitrary detentions have frequently coincided with paramilitary threats and the “disappearance” and killing of social activists, peasant leaders and human rights defenders.

The case of health workers: Health professionals have also repeatedly been targeted by the security forces and their paramilitary allies. Since medical professionals must often work in conflict areas they are frequently accused by the security forces of siding with the guerrilla, particularly when they treat wounded combatants. Over the last two years doctors and nurses in Arauca have frequently been accused of being subversives and detained, often accused of rebellion as a result of giving medical assistance to wounded guerrilla fighters:

- On 12, 17 and 19 November 2002, the home of Jorge Prieto, the President of the Arauca Branch of the health workers’ union, the *Asociación Nacional de Trabajadores Hospitalarios y Clínicas* (ANTHOC) was searched by members of the army, together with representatives of the Office of the Attorney General, reportedly without a judicial warrant. Days earlier, Jorge Prieto had denounced an alleged security force raid on the

community centre of Saravena's José Vicente 1 Etapa neighbourhood. On 13 November of that same year the headquarters of ANTHOC-Arauca were also reportedly searched without a warrant by the security forces.

- A number of ANTHOC members were among those detained in the 12 November 2002 mass arrest in Saravena, including Nelson Prieto, William Higuera, Dora Lizcano, and Abimelec Gómez Becerra a departmental leader of ANTHOC. Miriam Carrillo and Orlando Sanchez Bautista were also detained in November.
- On 12 January 2003, Dr. Ciro Alejandro Peña López was detained while attending an appointment with the XVIII Brigade. He was accused of conspiracy to commit a crime (*concierto para delinquir*). The doctor had carried out autopsies on the bodies of the 1998 Santo Domingo massacre and his detention reportedly coincided with the decision taken by the United States to stop aid to the air force unit that participated in the bombing. According to information received, Dr Peña had been released, although criminal investigations against him are reportedly still in progress.

Many health workers have also been killed, mainly by paramilitaries:

- On 16 June 2003, Morelly Guillén, a health worker and member of ANTHOC, was killed in her home in Tame allegedly by paramilitaries.
- On 22 March 2003, Dr Alejandro Torres was reportedly abducted by paramilitaries in Arauquita and subsequently killed.
- On 19 June 2002, Luis Enrique Coirán Acosta, a nursing auxiliary and a leader of ANTHOC in Arauca, was killed reportedly by paramilitaries in Tame, a short distance from the police station. The gunmen reportedly fled the scene of the crime in the direction of the Naranjitos army base.
- On 25 July 2002, Roberto Rojas Pinzón, a member of ANTHOC and an ambulance driver in the municipality of Cravo Norte, was killed reportedly by paramilitaries.
- On 29 August 2002, Sergio José Velasco Pinto a leader of the *Sindicato Nacional de la Salud y Seguridad Social* (SINDES), National Health and Social Security Union, was killed as he entered the San Antonio Hospital in Tame, reportedly by paramilitaries.

The killing and detention of health workers in Arauca has coincided with the publication of a number of paramilitary death lists, including a list circulated in April 2002 and another list which was reported to exist in 2003, and which contain the names of ANTHOC members.

These attacks are made all the more easy through recent measures which are exacerbating the problem of impunity, which lies at the heart of the human rights crisis. The government has failed to take decisive measures to dismantle mechanisms of impunity in cases of human rights violations which have permitted the armed forces to continue implementing a counter-insurgency strategy characterized by the systematic and widespread violation of human rights. Military courts

continue to claim investigations into human rights violations in which high-ranking military personnel are implicated. These courts have routinely failed to bring to justice those responsible for human rights violations. Although the civilian justice system has initiated some investigations in which military personnel are implicated in human rights violations, these investigations have been severely hampered by threats made against judicial investigators, human rights defenders and witnesses, and by the removal from their posts of judicial investigators by the Attorney General at critical moments in an investigation.

Strengthening the Autonomy of the Military in Arauca

Several security innovations have been tested in Arauca over recent years with the aim of rolling these out to other conflict areas in Colombia. These have centred on measures designed to boost the autonomy of the armed forces and respond to the state's failure on repeated occasions to receive Constitutional Court approval for controversial measures such as those granting judicial police powers to the military. Since these powers have now been approved by Congress (and simply need an enabling law to be passed later in the year to make the legislation operative) many of the mechanisms spearheaded in Arauca, such as the "Support Structure" and the "Voluntary Registers", are likely to become redundant.

The Support Structure: The fact that the security forces cannot for the moment carry out detentions without judicial warrants has not led to a reduction in the number of arbitrary detentions. Whilst awaiting judicial police powers, the security forces have relied on the participation of the Support Structure (*Estructura de Apoyo*), made up of officials from the Office of the Attorney General, to "legalize" detentions or arrests carried out in operations coordinated by the armed forces. The Support Structure was set up by the Office of the Attorney General in Arauca in November 2001 to carry out "the criminal investigations into attacks against the infrastructure of the Caño Limón oil pipeline".⁴² Its aim is officially to reduce the risk of attacks by members of the guerrilla against judicial investigators operating in Arauca, but is often used to target human rights defenders and social activists.

The unit is based at the barracks of the XVIII Brigade in the city of Arauca and consists of judicial investigators from the Offices of the Attorney General and Procurator General. The judicial investigators also live in the barracks and are under the specific protection of the XVIII Brigade. The *Estructura de Apoyo* has reportedly been partly funded by Occidental Petroleum.⁴³

The fact that the unit is based at the XVIII brigade seriously undermines its independence and impartiality, since its members might often be called to investigate the very people on whom they rely for protection. Amnesty International has documented a number of cases in which judicial investigators from the Unit have accompanied military personnel on raids and issued on the spot arrest or search warrants. These raids have often been based on information from hooded informants and not on prior impartial and independent judicial investigations.

⁴² Article 1 of Resolution 02033 of the Office of the Attorney General of 23 November 2001.

⁴³ See *Huellas*, No.39, February-March 2002. Also interview with Major Aldana from the XVIII Brigade, and Aldemar Rodríguez from the Federación de Derechos Humanos de Arauca, 22 March 2003, and with Arauca Departmental Procurator José Reinel Orozco, 19 March 2003.

On 2 September 2002, troops of the XVIII Brigade reportedly entered El Triunfo, in the area of La Esmeralda, municipality of Araucita, where they detained at least 60 people. The detainees were reportedly held in cramped conditions in one room. The soldiers were accompanied by members of the *Estructura de Apoyo* and reportedly by a hooded informer. Among those detained were eight witnesses to the La Esmeralda paramilitary massacre of five people on 21 July 2001. They are reportedly facing charges of subversion in relation with supposed attacks against the pipeline. According to information received, the eight witnesses were identified by the hooded informer who witnesses state was a member of the paramilitary group implicated in the massacre.⁴⁴ Of the group of eight witnesses to the massacre arrested, several had implicated the informer in the massacre in their statements to judicial authorities.

In its recent report on the RCZ, the Office of the Procurator General also criticized the fact that the *Estructura de Apoyo* is based in the brigade. The report stated that “the fact that the Support Structure of the Office of the Attorney General operates in the headquarters of the XVIII Brigade based in the city of Arauca, and given the dynamic that in practice it has adopted, undermines the full implementation of constitutional and legal principles relating to the autonomy, impartiality and independence of the judiciary”.⁴⁵

Voluntary Registers: Since the Constitutional Court overturned provisions in Decree 2002 that empowered the military to search homes without a judicial warrant, the army has begun to employ “*registros voluntarios*” (voluntary registers) to raid homes without a warrant. Soldiers arrive at a home and request “permission” to search it. If the resident refuses they often threaten to return with a warrant. Most are too frightened to refuse for fear of being stigmatized as a guerrilla member or sympathizer. After such raids, the soldiers oblige the householder to sign two declarations – one asserting that the house search was voluntary and another to affirm that the householder was well treated by the soldiers.

On 25 February 2003, at 7.50 am, an army patrol arrived at the home of Mrs. X⁴⁶ in Saravena and told her they wanted to carry out a voluntary register. When she asked them if they had a warrant for the raid they told her it was not a raid but a voluntary register. With her permission they searched the house. They asked her what work she did, what her husband did, where they were from, when had they arrived in the municipality, who was the owner of the house, where did the owner live. Once the search was over they made her sign a document.

The army returned on 27 February and asked permission to search the patio. The woman replied that she had received advice and that she had read a Constitutional Court ruling stating that the army did not have the power to raid or enter homes without permission. The army captain told her that this was not a raid and that they simply wanted to look at the patio of the house which they claimed was owned by a terrorist. Mrs. X again let them in. They again made her sign a document affirming that this had been a voluntary register. The captain also asked her who had given her a copy of the Constitutional Court ruling. She replied that it was the young man that worked in

⁴⁴ See Chapter 6 for further details on the massacre.

⁴⁵ *Procuraduría General de la Nación, La Zona de Rehabilitación y Consolidación: Informe Especial*, 2003, Bogotá.

⁴⁶ Amnesty International wishes to protect the identity of the witness.

human rights. The captain then asked her if this lad belonged to the “Joel Sierra” Regional Human Rights Committee. She said yes. The captain then said: “Joel Sierra was a bandit who had been dressed up as a peasant by the guerrilla”.

The army claims that voluntary registers are supported by the Office of the Attorney General. According to a report from the Procurator General’s Office on Arauca, sources from the Attorney General’s Office have denied this.⁴⁷ The army also claims that existing legislation allows it to carry out voluntary registers, but the legality of this measure is uncertain.

According to a report sent to the Office of the Procurator General by the commander of the XVIII Brigade on 16 March 2003, there were 294 raids and 1,078 “voluntary registers” during the RCZ period. The army claims that as a result of these voluntary registers it now has 49,000 people on its “register” in Arauca Department. On 12 December 2003, the police carried out a “voluntary” search of the offices of the “Joel Sierra” Regional Human Rights Committee. The search, without a warrant, was carried out in the wake of the Congressional vote which granted judicial police powers to the military, although it has not yet become law.

National Strategy to Consolidate Impunity

The government has introduced, or is seeking Congressional approval for, a number of legislative measures which will be applied at national level and are designed to consolidate the impunity which has blighted Colombia for so many decades. These measures will invariably have a significant impact on the lives of those living in the department of Arauca, especially human rights defenders, trade unionists and peasant leaders.

Judicial Police Powers for the Military: In December 2003, Congress approved a constitutional reform bill that will enable the military to carry out raids on homes, detain individuals and intercept communications without a judicial warrant. Before the law can be applied, Congress will need to pass an enabling law, which the government will probably introduce later this year. Successive administrations, including the present one, have sought to introduce similar measures but these have all been rejected by the Constitutional Court.

There is concern that these new powers will enable the security forces to detain individuals, raid homes and offices and intercept communications merely on the basis of their suspicions, and not on evidence gathered in the course of independent and impartial criminal investigations. The provision of these powers therefore has serious implications for the political and civil rights of civilians. Amnesty International is concerned that it will facilitate the surveillance of human rights defenders, witnesses to human rights violations and other civil sectors of society, which are labelled as subversives by the military. These sectors face being subjected to arbitrary criminal investigations which threatens to tarnish them as subversive and expose them to the risk of violent attack or arbitrary detention.

The granting of judicial police powers to the security forces could strengthen the mechanisms of impunity by ensuring that the security forces can stifle full and impartial investigations into human

⁴⁷ *Procuraduría General de la Nación, La Zona de Rehabilitación y Consolidación: Informe Especial*, 2003, Bogotá.

rights violations. The military may also find it easier to initiate investigations based on little if any evidence against human rights and other organizations which denounce violations committed by the military, in an attempt to intimidate, silence and discredit these organizations and possibly pave the way for violent attacks against them.

Reform of the Office of the Attorney General: The Office of the Attorney General was set up by the 1991 Constitution to investigate and prosecute all crimes committed in Colombia, including human rights violations. However, recent reforms to the office have weakened the independence of individual judicial investigators, many of whom are at the forefront of investigations to bring to justice those implicated in violations of human rights and international humanitarian law. These new measures allow the Attorney General to decide which cases should be investigated and to remove investigating attorneys from cases. This has undermined the independence and impartiality of human rights-related investigations.

Since July 2001, when Attorney General Luis Camilo Osorio took office, a marked hostility to human rights investigations and an on-going effort to purge the institution of officials willing to pursue these investigations has become the rule. Soon after Attorney General Osorio's arrival, he reportedly forced the resignations of several high ranking officials who were investigating cases of human rights violations which implicated a former general. In December 2001, Attorney General Osorio fired four top Technical Investigations Unit (*Cuerpo Técnico de Investigaciones*, CTI) directors, all described as outstanding professionals by other prosecutors and former officials in the Attorney General's office and CTI managers.

CTI director General Ismael Trujillo later resigned, arguing that he could no longer do his job without these trusted professionals. In April 2002, seven prosecutors within the Attorney General's Human Rights Unit and one member of the CTI received credible and serious threats related to their work on investigations into high-profile cases of human rights violations. Osorio failed to take any measures to protect the officials. Subsequently, they filed for precautionary measures before the Inter-American Commission on Human Rights. Dozens of other prosecutors and investigators have either resigned or fled Colombia since Attorney General Osorio took office. On the other hand, many prosecutors have reportedly been pressured to ensure charges of guerrilla subversion against individuals stick even when no evidence exists. The Office of the Attorney General has now been integrated more fully in the counter-insurgency strategy and coordinates anti-terrorist operations and strategy together with the armed forces in the newly-created anti-terrorist coordination structure.

Pardoning or Releasing Violators of Human Rights on "Licence": In January 2003, the government issued Decree 128 which grants pardons to members of illegal armed groups who surrender to the authorities as long as they are not implicated in criminal investigations for human rights violations or abuse, or are not in prison for such crimes. But most paramilitaries and guerrillas responsible for human rights abuses have not been identified and are thus not under investigation. This decree will effectively grant amnesties to abusers and violators.

The government has also presented a bill to Congress that goes beyond Decree 128 by releasing "on licence" incarcerated combatants who renounce membership of an illegal armed group and those associated with armed groups involved in a peace process with the state and who surrender

to the authorities, even if they have been found responsible for serious human rights violations or abuses. The bill would extend these benefits to individual members of armed groups who admit to crimes and “make reparations”, such as financial compensation to victims. The main beneficiaries of this legislation would be paramilitary groups who are negotiating their purported demobilization with the government. Amnesty International is concerned that if this bill is approved those responsible for human rights violations, including for crimes against humanity and war crimes, will not be properly investigated or brought to justice for their alleged crimes. These measures and the negotiations with the paramilitaries also ignore their close links to the security forces. As such they send a dangerous message to the courts to desist from allowing criminal proceedings into these links from advancing.

6. CONTINUED COLLUSION WITH PARAMILITARISM

The government has failed to take decisive action to confront paramilitaries, who are responsible for most non-combat related killings. The main reason that paramilitary groups have been able to continue their military offensive, characterized by widespread human rights violations, is that they benefit from the support and acquiescence of sectors of the security forces and often operate in coordination with them. Successive Colombian governments have and continue to argue that the links between the security forces and the paramilitaries represent isolated incidents. But evidence pointing to continued coordination is compelling.

Collusion between the security forces and the paramilitaries has traditionally taken a number of different forms in Colombia. These include joint military operations, soldiers on active duty operating with paramilitary units, military units identifying themselves as paramilitaries when on operations, telephone and radio communication between army and paramilitary units, sharing of intelligence information, paramilitaries living on military or police bases, coordination of roadblocks, repeated failure of the security forces to act on reports of paramilitary incursions or on known paramilitary bases and checkpoints, military operations to provide support to paramilitary forces under attack, failure to prevent escapes by detained paramilitaries, and failure to advance investigations into senior members of the security forces implicated in human rights violations committed with paramilitary groups.

The Consolidation of Paramilitarism in Arauca

Although many paramilitaries have been imprisoned in recent years, Amnesty International continues to receive considerable credible information which points to the on-going consolidation of paramilitary forces in heavily-militarized areas, such as the department of Arauca, and indicating strong collusion between paramilitaries and members of the security forces. Over the last decade, the paramilitaries, with the support of the security forces, have made several attempts to establish a permanent paramilitary presence in the department.⁴⁸ These operations, using, for

⁴⁸ The July 1995 Interinstitutional Commission referred to the operation of two paramilitary groups in Arauca Department, the *Autodefensas de Sarare* (ADS), Sarare Self-Defence Groups, which was established in Saravena in 1993, and the *Comando Dumar Aljure*, Dumar Aljure Command, which was operating in the municipality of Tame in 1995.

example, the El Corral security cooperative and the Arawac military operation as covers, were often accompanied by serious violations of human rights.

El Corral: In November 1997 a security cooperative⁴⁹ calling itself the *Asociación de Servicios Comunitarios “El Corral Ltda. Departamento de Arauca”*, the Arauca Department Association of Community Services “El Corral Ltda”, began operating in Arauca. El Corral maintained a presence in the municipality of Arauca between November 1997 and February 1998 when it ceased to operate openly after Colombian authorities stated that it did not have a licence. The then commander of the XVIII Brigade, General Arcesio Barrero Aguirre, made a statement to this effect on 22 January 1998. El Corral was considered responsible for some 19 killings in Arauca between November 1997 and January 1998. During this period it carried out regular patrols in Arauca city. El Corral was also held responsible for the “disappearance” of Libardo Duarte and Rodolfo Osorio on 15 December 1997. The two men were members of the left-wing *Unión Patriótica* (UP), Patriotic Union party. Since the party’s creation in 1985 over 3,000 UP members have been killed, the vast majority by army-backed paramilitaries.

Efraín Varela interviewed the security cooperative’s legal representative on the Meridiano 70 radio station on 9 January 1998. During the interview the legal representative stated that the security cooperative had 70 members and insisted that it did have a licence to operate in the department of Arauca, that the armed forces were fully aware of the operation of El Corral in Arauca and that its headquarters were situated next to the XVIII Brigade’s base in Arauca. He also confirmed that El Corral carried out operations in different parts of the municipality. The legal representative, apparently referring to the killings ascribed to the cooperative, argued that the killers were using identical vehicles to those used by El Corral: “they are carrying out the things supposedly in the name of the guerrilla”. When asked why El Corral’s vehicles coincidentally carried number plates from the municipality of San Vicente del Chucurí, department of Santander, where security cooperatives linked to AUC commanders were operating, the legal representative claimed the vehicles had been registered in that municipality for security reasons.

On 2 February 1998 an arrest warrant was issued for the capture of the legal representative on charges of falsifying documents. He was detained but Amnesty International has no further information on whether he was tried or sentenced on these charges or those relating to the killings carried out by El Corral. Two other members of El Corral were charged with bearing weapons without a permit. A police agent belonging to the *Servicio de Investigaciones Judiciales e Inteligencia* (SIJIN), Judicial Investigation and Intelligence Service, of the Colombian Police was also charged on matters relating to the El Corral. Amnesty International does not have information on whether criminal investigations into the three men arrested advanced. Efraín Varela was killed by paramilitaries in 2002 (see Chapter 8).

On 23 February 1998, trade union, peasant farmer, indigenous and other civil society groups organized a demonstration against paramilitarism in the department of Arauca. The then commander of the XVIII Brigade reportedly stated that the demonstration had been organized by

⁴⁹ In 1994 the government of then President Ernesto Samper authorized the creation of private security cooperatives, initially called CONVIVIR groups, which, among other activities, would provide the security forces with military intelligence.

guerrilla forces. The demonstration resulted in a commitment made on 26 February by the Colombian government to carry out criminal investigations into the operation of the El Corral cooperative and to investigate human rights violations and abuses in the department. Several of those who had organized the demonstration and negotiated with the government were among those arrested in 2002 and 2003 and threatened by paramilitaries during this period.

In May 1998 the AUC issued two communiqués announcing its presence in the department: “our armed presence is already a reality in this Department”. In the other it stated that it was carrying out the first phase of a “General Plan which has been designed for the department and consists of the location and classification of targets”.

On 19 and 20 November 1998, AUC forces operating in coordination with the XVI Brigade raped Alicia Ramírez Méndez, who was seven months pregnant, and then slit her throat and also killed Leonor Mercedes Carrillo Niño, Rito Antonio Díaz Duarte, Efraín Carvajal Valbuena, and Samuel Silva Ramírez in the community of La Cabuya, Tame Municipality. Disciplinary investigations by the Office of the Procurator General concluded that an army lieutenant with the *Batallón 25 Héroes de Paya*, Battalion No. 25 Heroes of Paya, had ordered personnel under his command to provide support for the paramilitaries in the commission of the killings. Information received by Amnesty International indicates that military personnel attached to Battalion No. 25 participated directly in the massacre and that the paramilitaries had coordinated the operation with officers of the battalion. Information received indicates that soldiers belonging to the battalion were also briefed by officers on how they should answer questions by investigating authorities and threatened by reminding them that they knew where their families lived if they were to implicate the battalion in the massacre.

Operation Arawac: Military offensives in Arauca in 2001 heralded the large-scale consolidation of paramilitaries in Arauca. In May the XVI Brigade based in Casanare and the XVIII Brigade, together with the 3rd Mobile Brigade and the FUDRA, launched *Operación Arawac* (Arawac Operation), a large-scale military offensive which concluded on 17 September 2001. During the offensive troops reportedly threatened civilian communities with paramilitary incursions: “those that are coming behind us are going to cut your heads off for being guerrillas”. Troops also reportedly threatened communities by saying that large numbers of paramilitaries would arrive: “[paramilitary leader Carlos] Castaño will arrive with 600 men to sort out this region”.

On 21 July 2001, five members of the Hernández Paez family were reportedly killed by paramilitaries: Wilson, Luz Elida, eight-year-old Farley, six-year-old Heyner and two-year-old Robinson. The killings took place in El Triunfo in the area of La Esmeralda, municipality of Arauquita, approximately four kilometres from a military base and close to the Caño Limón pipeline which was under constant guard by the security forces. Despite the fact that the paramilitary commander was under criminal investigation in relation to these killings, witnesses have given testimony to judicial investigators indicating that this commander was acting as a military informer and participated in a military operation with the Support Structure in the community of El Triunfo on 2 September 2002. During this operation over 60 peasant farmers were detained. According to witnesses the paramilitary commander identified eight peasant farmers to be arrested. Some if not all of these eight people had provided testimony to judicial investigators incriminating the paramilitary commander in the July 2001 massacre or general

testimony on the massacre. According to information received they were being charged with attacks against the pipeline.

Between June and September 2001 the appearance of paramilitary graffiti coincided with the presence of military patrols in the communities of Puerto Nariño, Betoyes and Pueblo Nuevo in the municipality of Tame, Saravena, and La Paz in Arauca Municipality. In August 2001, some 1,000 AUC members entered the department of Arauca after amassing in northern Casanare.⁵⁰ Following *Operación Arawac*, reports were received indicating that from 18 September illegal checkpoints were set up by gunmen identifying themselves as paramilitaries, operating on roads in rural areas of the municipalities of Puerto Rondón and Tame, despite the fact that the area was heavily militarized. In February 2002, Repsol-YPF's discovery of oil in the Capachos oil field in the municipality of Tame was made public.⁵¹

In February 2002, a civic strike organized by social organizations against the presence of paramilitaries in Tame Municipality led the government to sign an agreement with these organizations on 4 March 2002. Under this agreement the government made commitments to guarantee the security of the civilian population and to take action to combat illegal armed groups operating in the municipality. However, as a result of this agreement the paramilitaries were able to consolidate their presence in other parts of the department of Arauca.

According to information received, the XVIII Brigade ordered military reinforcements from the municipality of Cravo Norte into the municipality of Tame. Following the transfer of the troops around mid-March, paramilitaries reportedly established a military presence in the urban centre of Cravo Norte and shared the police station with police agents. On 18 April 2002, the Office of the Procurator General, issued Directive No.007, in which it indicated: "that the AUC arrived in Cravo Norte after the army had left and since then patrol the urban area of the aforementioned community despite the presence of police contingent there". Information received by Amnesty International indicates that on 22 March a number of paramilitaries wearing AUC armbands were patrolling the airport and a large number of paramilitaries were patrolling the road between Cravo Norte and the airport. The civilian and military authorities had repeatedly warned that paramilitaries were setting their sights on Cravo Norte and that removing troops from the area would facilitate that process.

Despite the deployment of military reinforcements to Tame Municipality, 200 paramilitaries were reportedly able to enter the hamlet of Betoyes in that municipality on 30 March. During this incursion the paramilitaries were able to establish a checkpoint on the road to the departmental capital and abduct four people, including Sigifredo Valderrama whose whereabouts remain unknown. Between 28 and 31 April, paramilitaries combating guerrillas in Betoyes reportedly received support from army helicopters. Between April 2002 and May 2002, paramilitaries "disappeared" around 13 people in Cravo Norte. Several months later the army sent troops back to

⁵⁰ Report of the Office in Colombia of the UN High Commissioner on Human Rights to the 58th session of the UN Commission on Human Rights: E/CN.4/2002/17, 28 February 2002.

⁵¹ The Capachos oil field is operated by Repsol-YPF and Ecopetrol. In 2001, whilst exploratory drilling was underway, TotalFinaElf had acquired a stake but the company relinquished its share in 2002.

Cravo Norte after insisting that regional authorities contribute to the costs of helicopter transport for troops between Tame and Cravo Norte. After the return of army contingents to Cravo Norte, some 600 paramilitaries travelled between Cravo Norte and the El Rosario area of Araucita Municipality on 14 June 2002. Despite the large number of paramilitaries involved the army made no apparent effort to prevent this deployment.

Although at national level there is evidence of increased action against some paramilitary groups, particularly those not engaged in a dialogue with the government, there is also evidence that official statistics of action against paramilitaries are being artificially inflated. On several occasions, Amnesty International has been informed that paramilitaries killed in combat with guerrillas have been presented as having been killed by the military. At other times operations against paramilitaries have coincided with the process of certifying US military aid to Colombia or internal purges within paramilitary structures. The organization has also received information on simulated attacks between paramilitaries and the military. The media often reports raids on alleged paramilitary bases during which no or few paramilitaries are captured. Paramilitaries who are captured are often released without charge, charged with activities other than those related to paramilitarism, or escape from custody.

The increased captures have not prevented the continued spread and consolidation of paramilitary forces over the last two years. This is despite heavy military presence and repeated denunciations by human rights organizations, including Amnesty International, of paramilitary bases and checkpoints which, regardless, remain operational.

During a visit to the region by Amnesty International in September 2002, the organization was informed that a large number of paramilitaries had entered the community of El Rosario and surrounding areas in Arauca Municipality on 21 June 2002, despite the close proximity of the XVIII Brigade. The paramilitaries were reported to have operated checkpoints in La Antioqueña, El Rosario and Papayito on the road between Arauca and the Caño Limón oil complex in the month following the paramilitaries' arrival in the area despite the heavy militarization of the area. They were able to operate unhindered until 14 August 2002. Although reports were received of army operations against paramilitaries, these were not decisive and in August 2002 the paramilitaries spread to El Caracol, municipality of Arauca. When Amnesty International delegates visited Arauca in March 2003 they were informed that the paramilitaries still maintained a presence in El Caracol. Despite the fact that the area is heavily militarized and the whereabouts of the paramilitaries known to the authorities (Amnesty International informed the XVIII Brigade about their presence in September 2002 and March 2003) no decisive action to confront them appears to have been taken.

As paramilitaries consolidated their presence in the municipality of Arauca they were able to carry out massacres and selective killings despite the heavy-militarization of the region and the fact that the armed forces had been informed of their presence. On 26 November 2002, paramilitaries reportedly tortured and killed at least four people in the community of El Matal in the Flor Amarillo area of Arauca Municipality. The paramilitaries reportedly identified themselves as members of the *Bloque Arauca* and were in possession of a "death list" of several people. The paramilitaries killed Diego Javier Díaz Carvajal, a father of six, José Vicente Herrera, a father of four, Pedro Herrera and Jesús Vicente Moreno, a father of nine. The Human Rights Ombudsman

in Arauca reportedly registered the displacement of 76 families from the community. In the first week of March 2003, paramilitaries reportedly entered the community of Isla del Vapor in the Clarinetero area of the municipality of Arauca and killed seven people including Nayith Alfonso Altamar Villegas.

Concerns about the failure of the Colombian authorities to acknowledge the presence of paramilitaries is shared by the Office in Colombia of UN High Commissioner for Human Rights. In its 2003 report (covering 2002) the UN Office stated that “statements by civilian and military authorities denying the presence of paramilitary groups in their areas, even though that presence is common knowledge [...] as in Tame (Arauca) [...] [is] worrying”.⁵² Amnesty International is also concerned by the fact that paramilitaries appear to have stationed some members in areas in the department where the security forces had previously carried out counter-insurgency operations, such as in Cravo Norte, Puerto Rondón and Tame.

Attacking the Civilian Population

Army troops often identify themselves as paramilitaries and use paramilitary armbands in an effort to disguise and confuse. Between 30 March and 3 April 2003, troops of the Navas Pardo Battalion of the XVIII Brigade reportedly set up a post in the indigenous reserve (*resguardo*) of Velasqueros in Tame. During this time gunmen allegedly identifying themselves as paramilitaries threatened members of the community. On 30 March, members of the army reportedly entered the community of Betoyes in Tame. On the same day, Luis Eder Arévalo was killed, allegedly by paramilitaries, on the road between Betoyes and the hamlet of La Holanda. On 27 and 28 April 2003 gunmen reportedly wearing paramilitary armbands entered the community of Flor Amarillo, Tame. According to witnesses, several members of the Navas Pardo Battalion were among the paramilitaries. The gunmen ransacked houses and shops in the community. Following these operations witnesses claimed finding double-sided armbands with XVIII Brigade identification on one side and AUC marked on the other. In May, troops reportedly identifying themselves as paramilitaries raped and killed a teenage pregnant woman and three children in this area (see Chapter 8).

Amnesty International has documented other cases of soldiers who allegedly identified themselves to the community as paramilitaries to commit human rights violations. On 20 January 2003, in Alto Cauca, Pueblo Seco and Alto Cusay in Tame, members of the FUDRA posted near to the community of Botalón reportedly identified themselves as paramilitaries, patrolled wearing hoods and retained, interrogated and beat peasant farmers. The FUDRA has reportedly threatened the community saying that they will enter the community and commit a massacre: “we came with the army and they left us here with the aim of entering Botalón and killing a few people and until we have accomplished our objective we cannot leave”.

Killings Continue Despite Ceasefire

Most of the paramilitary groups that make up the AUC began a “ceasefire” on 1 December 2002 as a prelude to the start of negotiations with the government. On 15 July 2003 the government and

⁵² Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Colombia, 24 February 2003, E/CN.4/2003/13.

the AUC signed an agreement which could lead to the demobilization of the paramilitaries by the end of 2005. Amnesty International would welcome long overdue efforts to dismantle the paramilitaries. However, the organization is concerned that combatants will not be taken out of the conflict but reintegrated into it by being recycled as civilian informants, peasant soldiers or hired by private security companies. Despite the ceasefire, paramilitaries continue to be responsible for massacres, selective killings and “disappearances”. In the country as a whole, at least 700 people were allegedly killed by paramilitaries in 2003.

Amnesty International has also received information of cases of people who have been killed, allegedly by paramilitaries, after being threatened, detained and harassed by the police:

- On 22 July 2003, a police patrol entered the “Estadero El Caney” Bar in Saravena, and searched those present. Uriel Ortiz Coronado, was asked where he worked, he answered that he worked for the *Empresa Comunitaria de Acueducto y Alcantillado de Saravena* (ECAAS), Saravena Community Water and Sewage Company. During the operation witnesses reportedly observed two unidentified individuals in the police car. Moments after the police agents left two gunmen entered the bar and killed Uriel Ortiz Coronado, Gerson Silva Delgado, Henry Bautista González and Claudio Torres Reyes. Uriel had reportedly been detained by the police on 31 May 2003 and accused of being a guerrilla collaborator. He had also reportedly been threatened by the police.
- On 25 September 2003, ECAAS worker Rito Hernández was killed by two unidentified gunmen who shot him at his home in Saravena. Rito had reportedly been detained on several occasions by the police and threatened. The police reportedly stated that ECAAS workers were guerrilla collaborators. On 25 July 2003, two unidentified men, thought to be paramilitaries, approached Rito and threatened him and other ECAAS workers. They told him that they were going to: “give you as much lead as you can swallow”. On 31 August 2003, paramilitary graffiti appeared on the walls of the ECAAS building in Saravena threatening to kill ECAAS workers: “final sentence: death to ECAAS, “death to ECAAS militia”.

7. THE GUERRILLA: VIOLATIONS OF IHL

As a party to the conflict, the guerrillas are obliged to respect the International Humanitarian Law principles relative to non-international armed conflicts. Common Article 3 and Additional Protocol II of the Geneva Conventions, to which Colombia is a party, apply to internal armed conflicts and impose a duty on all the armed parties to comply with the minimum provisions, including the humane treatment of all those not directly involved in hostilities. Amnesty International insists that these international standards are respected and considers that this is the only way to begin to protect the civilian population from the effects of the armed conflict in Colombia.

The FARC and the ELN have been responsible for numerous and persistent breaches of International Humanitarian Law. FARC activities in Arauca have been characterized by disproportionate attacks on military targets often using home made mortars and bombs (which

often kill civilians), as well as attacks on the pipeline and energy towers, generalized death threats against and selective killings of civilians, and kidnapping. The strategy of the ELN, which entered the region with the self-professed aim of opposing Occidental Petroleum's oil exploration, consists of blowing up the pipeline and energy towers, kidnapping and selective killings of civilians. The ELN has been attacking oil infrastructure since 1984. Many civilian sectors in Arauca, such as public officials have been threatened and killed by guerrilla forces belonging to the FARC.

Public Officials Under Fire

The FARC have been seeking to undermine the authority of the state in Arauca in order to assert their control over the area. The most visible part of this strategy has involved "resign or die" threats against public officials, such as mayors and local councillors. The guerrilla hope the ensuing political vacuum will facilitate their efforts to gain or regain control of large parts of the country. One of the government's principal justifications for setting up the state of emergency and creating the RCZs was thus to create mechanisms that would enable the military to protect local public officials who had been declared military targets by the FARC, and ostensibly to regain effective control over oil royalties paid to regional authorities.

However, during the RCZ period the guerrillas continued to kill public employees and local and community leaders and forced hundreds of others to resign. On 18 February 2003, the FARC issued a blanket death threat against public officials in Arauca Department. The threat stated that "since we live in an already declared war, all state institutions, officials that represent said institutions, the multinationals, the companies of capitalists who support paramilitarism or the state which promotes the war are military targets for our organization".

Until last year's local elections, the department of Arauca had not had an elected governor since Héctor Gallardo was removed from office in 2002. His replacement, appointed by the government, retired colonel José Emiro Palencia Álvarez, took office in October 2002 but resigned from the post on 14 January 2003 for "personal and public order" reasons. Héctor Gallardo was reportedly kidnapped by the ELN in August 2002 and held for two months before being released. Despite this, on 21 October 2003 he was arrested, together with a number of other opposition political leaders, and accused of links with guerrilla groups.⁵³

In Arauquita, two mayors have resigned and local councillors are carrying out their duties from Bogotá following threats from the guerrilla. On 3 March 2003, the *Sindicato de Trabajadores y Empleados Públicos* (SINTROEPAR), Public Employees and Workers' Trade Union, in Arauquita denounced the attacks to which its members were being subjected by the FARC, including the killing of three of its members since the RCZ came into operation.

In Saravena, municipal staff have been forced to work from temporary buildings after the guerrillas allegedly blew up its offices. On 7 March 2003, the mayor himself, Hugo Manuel Benitez Ordoñez, resigned following threats from the FARC. Mayors representing those municipalities outside the RCZ have also been threatened or killed. On 3 January 2003, the mayor of Fortul, Fernando Triviño, was forced to resign after threats from the guerrilla group. On 25

⁵³ See Chapter 5 for details on the 21 October mass arrest of political leaders and election candidates.

November 2002, Héctor Gutiérrez, the mayor of Puerto Rondón, and Sixto Cortina, his chief-of-staff (*secretario de gobierno*), were killed, allegedly by the FARC.

The guerrillas also continue to carry out selective killings of other civilians:

- On 7 March 2003, three people, including the geologist Martín López, were killed, allegedly by the FARC as they travelled in a vehicle in Betoyes, Tame.
- On 3 January 2003, five people, including a minor, were reportedly killed by the ELN in the hamlets of El Botalón and El Pesebre in Betoyes, municipality of Tame.

Bombs and Mortars: Civilian Fall-Out

The FARC have increased their use of bombs and mortars in Arauca Department. They have not only targeted the pipeline but have allegedly carried out attacks against military and police targets in built-up areas, which have often resulted in civilian casualties. The FARC has shown no hesitation in using low-precision weapons, such as gas cylinder bombs, in its attacks and has shown little concern for the safety of civilians, clearly violating the key International Humanitarian Law principles of distinction and proportionality, and the obligation to take measures to avoid or minimise incidental loss of civilian life, injury to civilians and damage to civilian objects. Several attacks, which have killed and injured civilians, have been attributed to the FARC:

- On 17 June 2003, 11-year-old Edwin Orlando Roperó died and four adults were injured after a bicycle packed with explosives detonated in Fortul.
- On 23 June 2003, a similar device killed three-year-old Bryan Alexander Balmaseda in Arauquita. The explosion also allegedly killed the guerrilla riding the bicycle.
- On 13 September 2002, the FARC allegedly fired several gas cylinder bombs in Saravena. Although the target appeared to be the police station, the artefacts missed and hit surrounding buildings. Four civilians were killed and 23 injured.

Extortion and Kidnapping as a Source of Income

In the 1990s, it was estimated that guerrilla forces were gaining around US\$140 million a year⁵⁴ from extortion of the oil industry and the kidnapping of oil workers.⁵⁵ The FARC and the ELN have imposed “war taxes” on national contractors used by foreign firms. In his statement to the US Congress on 15 February 2000 Lawrence Meriage, referring to “subversive elements” stated: “Our contractors are forced to pay a ‘war tax’ or face the very real threat of having their equipment destroyed and their personnel attacked. Local workers must pay ‘protection’ money or place their personal security and that of their families at risk”.

⁵⁴ Figure quoted in Thad Dunning and Leslie Wirpsa, *Oil and the Political Economy of Conflict in Colombia and Beyond: A Linkages Approach*, 2002, paper due to be published in *Geopolitics*, taken from an article in the *Pittsburgh Post-Gazette* of 22 July 1996 which was citing an article in *El Tiempo*, 21 July 1996.

⁵⁵ *Ibid*

Guerrillas in Arauca have forced public works contractors to pay them a percentage. These contractors have often been forced to pay the ELN and the FARC to ensure they can carry out their work unhindered. In this way the guerrilla have secured some of the oil royalties flowing to Arauca. This was one reason behind the decision by the Colombian government in January 2003 to ensure that royalty payments be administered from Bogotá.⁵⁶

Oil workers have been repeatedly threatened by guerrilla forces. On 16 April 2001 the ELN kidnapped over 107 Occidental Petroleum workers in Arauca Municipality. Seventy-three were released after a few hours whilst the remainder were released on 19 April. ELN commanders stated that the kidnapping had been undertaken to alert Colombia and the international community to the increased presence of paramilitaries in the department and their links to the armed forces and economic sectors. Oil workers have also been killed.⁵⁷

8. PERSECUTED BY BOTH SIDES IN THE CONFLICT

In addition to indigenous and peasant farmer communities and trade unionists, members of certain professions and other civilian sectors in Arauca have been regularly threatened and killed by guerrillas and army-backed paramilitaries. This has been especially the case with teachers and journalists, who have been singled out because their work often brings them into contact with both sides in the conflict. Women have also been targeted, sometimes because of their work as teachers (in which women are strongly represented) or because they have entered into relations with members belonging to one of the two sides in the conflict.

Journalists: A Blow for Free Speech

Colombia is one of the most dangerous places in the world for journalists to work. Those reporting from the department of Arauca have been particularly targeted over recent years:

- In 1984, the office of *Radio Caribarare* in Saravena was blown up.
- In 1991, Henry Rojas Monje, a journalist for *El Tiempo*, was killed. Army personnel were implicated in the killing.
- In 1995, Iván Darío Pelayo, director of *Radio Llanorámica*, was killed.
- In 2001, Zoraida Ariza, correspondent for *La Voz de Cinaruco* was the victim of a bomb attack, allegedly by the guerrilla.

On 21 January 2003, the ELN kidnapped UK journalist Ruth Morris and US photographer Scott Dalton from the Los Angeles Times. They were freed after 11 days in captivity. A team of five Colombian journalists from RCN, sent to cover the story, were also kidnapped on the highway to Saravena on 25 January 2003, and released on 28 January 2003.

⁵⁶ Ibid

⁵⁷ See Chapter 2.

On 18 March 2003 the journalist Luis Eduardo Alfonso was killed on his way to work at the *Meridiano 70* radio station in the capital, Arauca. Luis Eduardo Alfonso had been the victim of death threats and had previously received protection from the Interior Ministry's Program for the Protection of Journalists (*Programa de Protección de Periodistas*). Many other journalists in Arauca are also under the program's protection. Another journalist, Efraín Varela, was also killed, allegedly by paramilitaries, on 28 June 2002. Both journalists had been highly critical of the guerrilla and the paramilitaries.

Various death lists have been circulating in the department since 2003. These name a total of 24 journalists and call on them to leave Arauca immediately. One list has 16 names (14 from Arauca, one from Saravena, and another from Tame) and is allegedly from the FARC. The second list is allegedly from the paramilitaries. It contains 10 names, with Efraín Varela and Luis Eduardo Alfonso's names marked with a cross on the right hand side by their names.

As a result of the death threats, 16 journalists from Arauca Department travelled to Bogotá on 31 March 2003 to demand action from the government. But the threats have already had a serious impact on freedom of speech in the region. Journalists based in the department now only report non-controversial news and official communiqués; they do not leave the urban centres to carry out investigative journalism for fear of being attacked; and find it difficult to find people willing to talk to them, since potential informants are too afraid.

The military authorities have also reportedly sought to censor news reporting directly. On 13 November 2002, the *Radio DIC* community station, which serves Saravena, Arauquita, Tame and Fortul, was shut down allegedly after pressure from an army official. The day before, the station had aired a communiqué from a social organization that was denouncing human rights violations by the security forces in the area. Two army officials allegedly visited the station at its office in Saravena to prohibit its manager from transmitting in Arauca.

Teachers: Undermining the Right to Teach

Teachers have been targeted by all the parties to the conflict. They have been the victims of killings, kidnappings, "disappearances", extortion by illegal armed groups, written and telephone threats, public declarations identifying them as military targets and orders from armed groups that forbid teachers to participate in union activities and demand that they resign from their union. As of March 2003, the FARC and paramilitaries had reportedly threatened over 90 teachers in Arauca. Around 60 of these have left the region. Teachers were also among those arrested in the mass detention in Saravena in November 2002.

Members of the *Asociación de Educadores de Arauca* (ASEDAR), Teacher's Association of Arauca, have been threatened and killed. On 18 March 2003, Raquel Galvis, a member of ASEDAR who lives in Arauquita, received a telephoned death threat. The caller identified himself as a member of the AUC and warned her that if she came across a paramilitary checkpoint she would be killed. The next day Jaime Ernesto Carrillo, president of ASEDAR, received a written death threat: "Take care of your children or you won't see them again". Several teachers were killed in 2003:

- On 7 March, Luis Alfonso Grisales was killed in Clarinetero, municipality of Arauca, allegedly by paramilitaries. He had been a rural teacher for 26 years.
- On 13 January, AUC paramilitaries allegedly killed teacher José Marcelino Díaz Gonzalez in Tame. José Marcelino Díaz was known for his trade union and community work and was one of the founders of the Froilán Farías Technical School.

Women: Targeted as a Terror Tactic

Women in Colombia are also victims of extrajudicial killings, arbitrary and deliberate killings, torture, “disappearances, and other forms of violations of human rights and International Humanitarian Law. They are mostly, but not exclusively, targeted because of the roles they assume in their communities as activists and leaders campaigning for political and economic rights or because they are members of communities in conflict zones targeted by either side in the conflict. Sexual violence against women, including rape and genital mutilation, for example in the context of massacres or as a form of torture, is also used as a weapon of war to generate fear.

Despite this, women remain the hidden victims; hidden as a result of the level of impunity and silence that surround the acts of violence, particularly sexual violence, and the fact that these issues are neither on the Colombian government’s nor the international community’s agenda . In recent years, however, gender-based violence in armed conflict situations has received attention most notably in the Rome Statute for the International Criminal Court (ICC). The Rome Statute includes a list of crimes of gender violence under the definitions of crimes against humanity and war crimes which include rape, sexual slavery, enforced prostitution, trafficking, forced pregnancies, gender-based persecution and enforced sterilization.

- Between 1 and 7 May 2003 soldiers of the XVIII Brigade, wearing AUC armbands, reportedly entered the indigenous communities of Julieros, Velasqueros, Roqueroz, Genareros and Parreros, in Betoyes, Tame Municipality. In Parreros on 5 May a pregnant 16-year-old girl, Omaira Fernández was allegedly raped and killed. Her stomach was cut open and the foetus pulled out. Omaira Fernández’s body was placed into a bag, which was then reportedly thrown into the River Cravo. In Velasqueros three indigenous girls, aged 11, 12 and 15 were also reportedly raped. This and other attacks by the army and paramilitaries, as well as fighting between paramilitaries and guerrillas, forced hundreds to flee to nearby towns such as Saravena. Paramilitaries reportedly threatened members of these displaced communities saying that they would be killed if they returned.
- On 28 December 2003, unidentified gunmen killed two women, Rosa Adelina Parales Carrero and Rosa Casa Parales, as well as a 10 month-old baby girl, in the municipality of Tame. The women were, respectively, the mother, sister and daughter of the President of Tame Municipal Council, Angel Demetrio Casas Parales, who was reportedly the intended target of the assassins, but was not at home at the time of the killings. Angel Demetrio Casas had allegedly received death threats from the FARC.
- On 2 October 2002, a member of the *Batallón Héroes de Saraguro*, attached to the XVIII

Brigade, forced his way into the home of Inocencia Pineda Pabón in the community of Las Blancas, Arauquita Municipality. The soldier reportedly shot Inocencia's husband, Francisco Guerrero Guerrero, and raped her. Although it was reported that the Office of the Attorney General had initiated criminal investigations into the case, Amnesty International was informed in March 2003, that the soldier had escaped twice from detention from the XVIII Brigade, raising concerns that the military authorities were not fully collaborating with the justice system.

9. CONCLUSIONS AND RECOMMENDATIONS

The parties to Colombia's internal armed conflict have for decades exploited the civilians of Arauca Department to further their own political, military and economic objectives, based primarily on the exploitation of and control over the department's substantial oil resources. Violence in the region increased dramatically following the discovery of oil in the 1980s. The exploitation of Arauca's oil wealth had the potential to be of great economic benefit to the people of the region. Instead, it has brought ever increasing violence.

The repeated efforts of the guerrillas to destroy the oil pipeline and the department's electricity infrastructure has resulted in numerous civilian deaths and environmental degradation. Their attempt to undermine the authority of the state has led to hundreds of selective killings of public officials and civilians accused of collaborating with their enemies. Mass death threats issued by the guerrillas against public sector workers, and others groups such as journalists, has created an environment of insecurity and fear.

The military has responded to this threat, not by facing the guerrilla head on, but by targeting civilians. In this way, the military apparently believes it can starve the FARC and ELN of the oxygen it claims it receives from the population. To the security forces, every civilian in the department is treated as a potential guerrilla or guerrilla sympathizer. This is especially so in areas with a strong guerrilla presence, and of economic interest, such as Arauca. In such areas, labelling civilians as subversive provides a pretext for military/paramilitary operations in which human rights violations are committed in order to silence those campaigning for social and economic rights or to force civilians to leave areas of economic importance. In particular, the military and police have targeted peasant farmers, indigenous communities, human rights defenders and trade unionists. The stigmatization of these groups as guerrilla collaborators has been exacerbated by a government campaign to undermine the legitimacy of their work.

The government's security policies have failed to restore order in Arauca and have only dragged civilians further into the conflict and ensured that those violating human rights and breaching International Humanitarian Law are guaranteed impunity. The RCZ in Arauca failed to reduce violence and insecurity in those municipalities in which it operated – Arauca, Saravena and Arauquita. In fact, according to the offices of the Human Rights Ombudsman and the Procurator General, right to life violations increased in some municipalities as did guerrilla activity against the security forces, which invariably led to a rise in civilian casualties. During the time the RCZ was in operation there was also a sharp rise in the number of arbitrary and mass detentions, mainly affecting human rights defenders, peace activists and trade unionists, many of which had previously exposed human rights violations allegedly committed by the security forces. The

targeting of these groups, through mass and arbitrary detentions, continues unabated despite the fact that the RCZ is no longer in operation.

Viewed from this perspective the RCZ and the Support Structure, and the continued practice of arbitrary detentions, points to a strengthening of the armed forces' counter-insurgency strategy. This is designed not only to combat the guerrilla but to silence those campaigning for socio-economic rights, including those sectors "obstructing" further oil exploration, and to force civilians from land of importance to the oil industry and other economic interests, while ensuring that information on what is happening in the region does not filter out.

The presence of judicial investigators in the headquarters of the XVIII Brigade and the use of hooded and anonymous paid informers is inevitably leading to miscarriages of justice in Arauca Department. Suspects are not being detained on the basis of prior independent and impartial judicial investigations but on the unreliable information of anonymous and often paid informers, while judicial investigators are often too afraid to step out of line for fear of being dismissed from their posts. The presence of peasant soldiers and informer networks is also placing those communities where they live under risk of violent attack by guerrilla groups. The "soldiers for a day" scheme, and other similar programs, even risked dragging children into the armed conflict.

Amnesty International also continues to receive credible information that the armed forces, including the XVIII Brigade, are directly involved in killings, torture and "disappearances". The military also continue to be aided and abetted by paramilitary groups which have strengthened their presence in Arauca over the last few years. One of their main aims has been to "cleanse" the department of any perceived threat to the pipeline and other oil and general economic interests. This has resulted in a systematic campaign of threats against and killings of peasant farmers, members of indigenous communities, human rights defenders, journalists and trade unionists, as well as other civilians claimed to be guerrilla members or sympathizers by the paramilitaries. The paramilitaries have also sought to keep civilians under control by instilling fear, through massacres, "disappearances", and torture. There is strong evidence that sectors of the security forces continue to collude with paramilitary groups, and the distinction between the two groups is often purposely blurred to increase the climate of fear and insecurity among civilians. In fact, security force operations originally paved the way for the paramilitaries' presence in Arauca Department. If the security forces are openly colluding with paramilitary forces, who can civilians turn to for protection?

The international community, especially the United States, which is by far the biggest donor of military assistance to Colombia, has a duty to ensure that its funds are not used to commit human rights violations. Tragically, it continues to fund military units, including Arauca's XVIII Brigade, despite compelling evidence that they are violating human rights, either directly or in collusion with paramilitary groups. The US government's recent decision to allow its military assistance to be used for counter-insurgency activities in Colombia will have one clear and tragic result – a greater targeting of the civilian population. Meanwhile, the guerrillas, who should be the focus of military attention, are likely to remain relatively unscathed, as has usually been the case in this 40-year-old conflict, where the greatest human cost has been paid by the country's civilian population.

Occidental Petroleum, Ecopetrol and Repsol-YPF, which own and manage Arauca's Caño Limón oil field, have reportedly provided funding for the XVIII Brigade through the Cravo Norte Association's security agreements with the military. Occidental Petroleum has lobbied for military aid to the Colombian security forces and has reportedly provided funding to the special unit of the Attorney General's Office – the Support Structure. Ecopetrol has also reportedly provided significant amounts of money to the armed forces. This support reinforces the responsibility these companies have to ensure that human rights violations are not committed by state agents or their proxies operating to defend their companies' economic and strategic interests in Arauca.

Occidental Petroleum is a participant in the tripartite dialogue process known as Voluntary Principles for Security and Human Rights for the Extractive Sector. These principles govern risk assessment, interaction with public security, and interaction with private security forces⁵⁸. Occidental Petroleum has prepared a global good neighbour policy, and a code of business conduct to act in a socially-responsible manner. The company has also endorsed the Global Sullivan Principles for Corporate Social Responsibility. Furthermore, Repsol-YPF is a Global Compact⁵⁹ participant.

Even though the companies have participated in these voluntary initiatives, in operating in conflict zones like Colombia, human rights violations continue to occur. And there are allegations of human rights violations committed by security forces which have allegedly been financed by the companies.

In view of this, Amnesty International calls upon these companies to evaluate and assess the risk assessments and contractual relationships with security companies identify the weaknesses, and integrate human rights into their codes of conduct, by using the UN Norms for Business as a benchmark.

Amnesty International calls on the Colombian government to:

- develop a comprehensive human rights policy that complies fully with Colombia's international obligations, the human rights recommendations of the UN and other international bodies, including on action to end impunity; to confront and dismantle army-backed paramilitaries; and to guarantee the safety of vulnerable sectors;
- ensure full and impartial investigations into violations of human rights and International Humanitarian Law and ensure that those responsible are brought to justice, and that all members of the security forces implicated by judicial or disciplinary investigations in cases of human rights violations and/or collusion with paramilitarism should be

⁵⁸ Risk assessment includes identification of risk, potential for violence, human rights record, rule of law, conflict assessment, and equipment transfer. Interaction with security forces includes principles governing security arrangements, deployment and conduct, and consultation and advice.

⁵⁹ Global Compact is an initiative of the UN Secretary General Kofi Annan, calling upon companies to operate in a manner consistent with upholding human rights, labour rights and the environment. www.unglobalcompact.org.

suspended from duty until such time that their responsibility or innocence has been determined;

- reverse proposals which threaten to drag the civilian population further into the conflict and to reinvent paramilitarism through measures such as the million-strong civilian network of informers and the army of peasant soldiers;
- repeal measures which threaten to exacerbate the problem of impunity in Colombia, such as those granting judicial police powers to the military and *de facto* amnesties to members of illegal armed groups implicated in serious human rights violations;
- end its dangerous campaign to delegitimize the work carried out by human rights defenders, peace activists, and trade unionists, many of whom have been the subject of mass arrests, arbitrary detentions, and raids on their offices and homes; and
- abandon the use of the army's "voluntary registers" and disband the Office of the Attorney General's "*Estructura de Apoyo*", which are threatening to strengthen impunity in the department of Arauca.

Amnesty International calls on the international community to:

- urge the Colombian government to fulfil the above recommendations and closely monitor the Colombian governments efforts to fulfil these recommendations. These recommendations are in line with those repeatedly made by the United Nations and other inter-governmental bodies and this imposes an imperative on second governments to closely monitor the actions of the Colombian authorities to fulfil them;
- call on armed opposition groups to publicly commit themselves to respect international humanitarian standards and to prevent their members from committing abuses that breach International Humanitarian Law;
- to use its good offices to urge the Colombian government and armed opposition groups to reach a humanitarian agreement to remove civilians from the conflict; and
- increase its *in situ* monitoring of the human rights situation in Arauca Department as well as the other former Rehabilitation and Consolidation Zones.

Amnesty International calls on the United States government to:

- fully implement the Leahy law which prohibits US training for military units believed to have engaged in human rights violations;

- discontinue the disbursement of US security assistance to Colombia until the Department of State can certify that the armed forces of Colombia have met the human rights criteria in Section 564 of the Fiscal Year 2003 Omnibus Appropriations bill including severing ties between the army and paramilitary forces, and holding military personnel accountable for human rights violations; and
- make public statements in Colombia recognizing the legitimate work of human rights defenders and human rights organizations.

Amnesty International calls on the armed opposition groups to:

- order all combatants to abide by International Humanitarian Law, which specifically prohibits all parties to an internal armed conflict from targeting people taking no direct part in hostilities; and in particular from carrying out acts of violence, including murder, mutilation, cruel treatment and torture, outrages upon personal dignity and the taking of hostages;
- implement specific measures aimed at ensuring compliance with International Humanitarian Law, such as ensuring that all forces under their control are trained and ordered to adhere at all times to International Humanitarian Law principles, investigating allegations of violation of International Humanitarian Law to determine responsibility, and ensuring that those responsible are removed from any position in which they may commit abuses against civilians and those who are *hors de combat*;
- ensure that they do not use weapons nor employ military practices that could result in a disproportionate and indiscriminate threat to the safety of civilians; and
- respect the right of public officials, such as mayors, councillors and judicial officials, to carry out their legal and rightful duties free from threats.

Amnesty International calls on Occidental Petroleum and Repsol-YPF to:

- press the Colombian government to fully implement UN human rights recommendations as outlined above;
- insist on full and impartial investigations into human rights abuses and violations committed in their areas of operation by the security forces, army-backed paramilitaries and armed opposition groups; and
- withdraw any support they might be providing to the Office of the Attorney General's Support Structure and insist it is dismantled and that cases of people arrested or under criminal investigations by the Support Structure are urgently and independently reviewed.

Amnesty International calls on oil companies operating in Arauca to comply with the UN Norms of Business, and specifically to:

- ensure that the security arrangements for the companies comply with international human rights norms;⁶⁰
- urge the Colombian authorities to institute an inquiry into human rights violations allegations against private security officials. The companies should inform the Colombian authorities that officials implicated in past violations will not be deployed in their areas of operations;
- ensure that investigations of past conduct of security guards or other security providers in Arauca are carried out before they are hired, and that policies are in place to prohibit both the hiring of individuals and collaboration with units of state security forces or contract security firms that are known to have been responsible for human rights or humanitarian law violations.⁶¹ This should include the security forces' behaviour not only in the area around the pipeline, but also past conduct elsewhere. The companies should insist that private security firms which they employ should not be integrated into the civilian intelligence networks; and
- ensure that contracts with a state security force or a private security firm incorporate the Norms above or at least made available upon request to ensure compliance.

As a participant of the Voluntary Principles for Security and Human Rights in the Extractive Sector, Occidental Petroleum should:

- implement the specific provisions that govern risk assessment and interaction between companies and private or public security forces;
- carry out regular consultation with the Colombian government and, where appropriate, non-governmental organizations and communities concerning the impact of their security arrangements on local communities;
- press the Colombian authorities to institute full and impartial investigation into abuses and action to combat and dismantle army-backed paramilitary groups; and
- provide adequate, just, and fair compensation where appropriate.

⁶⁰ United Nations Code of Conduct for Law Enforcement Officials and the UN's Basic Principles on the Use of Force and Firearms.

⁶¹ Voluntary Principles for Security and Human Rights, of which Occidental Petroleum is a signatory.